NINTH DESPATCH

ON

INDIAN CONSTITUTIONAL REFORMS

(Assam and Backward Tracts.)

12-9(2)

No. 7 of 1919.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

REFORMS.

To

THE RIGHT HONOURABLE EDWIN MONTAGU,

His Majesty's Secretary of State for India.

Simla, June 5, 1919.

SIR,

In para. 35 of our despatch of March 5, we informed you that we were examining separately the question of the constitutional changes to be made in Assam, and in para. 84 of our despatch of April 16 we explained that we were reserving for a separate despatch our discussion of the treatment of backward areas of the nature referred to in para. 189 of the Report on Indian constitutional reforms in which the general scheme of reforms cannot suitably be applied. We have now the honour to lay before you our views on both these questions.

Assam.

2. For a full description of the physical features of the province of Assam we would refer you to para. 4 of the note dated October 24, 1918, by the present Chief Commissioner, a copy of which was enclosed with our despatch of March 5, 1919. The province has an area of 77,500 square miles, or slightly less than that of the neighbouring province of Bengal, but 50,000 square miles or almost two-thirds of this area is composed of hill tracts, peopled by simple hill tribes, which are governed in a patriarchal fashion. The more advanced portion of the province is confined to the Assam and Surma valleys. Each valley has a population of about three million but the area of the Assam valley is 20,000 and that of the Surma valley 7,000 square miles. The total population of the province is only seven million, or about half that of the Central Provinces which, in point of population, is the next smallest of the nine principal provinces. The gross revenue of the province is approximately only 171 lakhs, as compared with 404 lakhs in Bihar and Orissa, which has the next lowest revenue, and the surplus revenue available under the scheme outlined in para. 206 of the Report would be only three lakhs.

3. The whole of the Chief Commissionership of Assam as constituted in 1874 was declared to be a scheduled district under the Scheduled Districts Act, 1874. Legislation can also be effected throughout the province by means of Regulations under sec. 71 of the Government of India Act, 1915. Neither the Scheduled Districts Act nor sec. 71 of the Government of India bars the operation in the province of Indian and local Acts. The majority of the hill districts, however, are de-regulationized in two ways; first by sec. 14 of the Assam General Clauses Act, 1915, which excludes therein the operation of Acts of the Assam Legislative Council unless specifically extended under the Scheduled Districts Act, 1874, or otherwise; and secondly by the Assam Frontier Tracts Regulation, 1880, under which the local administration with the sanction of the Governor General in Council may direct that any enactment in force in any trace to which the Regulation has been applied shall cease to be in force therein.

4. The justification for treating Assam in a special manner must be sought not so much in its area, which as we have mentioned is almost equal to that of Bengal, as in the very large proportion of this area which lies in the hills and is peopled by primitive tribes, and the consequent smallness of the area, with its correspondingly small population and revenues, which can be compared in the matter of general progress and advancement with the rural tracts of other provinces. The problem is also complicated by the cleavage, geographical as well as religious, social and political, between the two valleys which comprise the more advanced portion of the province. The Assam valley is mainly Hindu and animistic. In the Surma valley Muslims are in a majority. One experienced official has indeed gone the length of advising that so different are the conditions and interests of the two valleys that their separate administration appears necessary if a real advance towards responsible government is to be made. A further complication is to be found in the powers of the existing legislative council. As the Chief Commissioner has pointed out in para. 5 of his note of October 24, 1918, though the council does not include representatives of the hill tracts, it has power to pass laws which may, as explained in para. 3 above, be applied to these tracts. Further, as the enclosed analysis of the revenue and expenditure of the hill tracts shows, these hills are to a considerable extent financed from the plains, and since this arrangement must continue it is only fair that the representatives of the plains districts should continue to have some voice in the expenditure of the funds so provided. The present council exercises its right to discuss this expenditure on the occasion of the budget debates, and any proposal to deprive it of this privilege would be hard to justify.

5. Our view is that the hill tracts clearly call for special treatment, and that the remainder of the province is too small to carry the elaborate constitutional superstructure which we have proposed in the case of other provinces. The proposal to treat the hill tracts in a special manner hardly needs justification. On this point opinion is practically unanimous. The question was one which indirectly came within the scope of the functions committee and their recommendation in para. 49 of their report is that the tracts in question should be excluded from the scope of the reformed provincial Government and administered by the Governor himself. Their views on this point have incidentally an important bearing on their proposals for the transfer of subjects in Assam, inasmuch as they have resulted in the proposal to reserve excise, public works, and fisheries, which in other provinces are recommended for transfer.

6. The Chief Commissioner (para. 5 of his note) admits that there is much to be said for treating Assam separately, either by placing it in the same category as Burma and postponing the operation of the new scheme till it has been tried elsewhere, or else by associating with the Chief Commissioner an advisory council constituted on a liberal basis, such as has been proposed in the case of some of the minor provinces. But he considers that neither of these proposals is now within the range of practical politics. Since Assam has in the Report been grouped with the major provinces (exclusive of Burma), its future constitution must, in his opinion, follow the main lines of the scheme applied in other provinces subject to such variations on points of detail as local conditions require. We are in general agreement with the Chief Commissioner as to the desirability of retaining as many of the principal features of the main scheme as possible, though, as will appear later, our recommendations differ materially from his. Before, however, we set forth our own proposals, we shall review briefly the various schemes which have been suggested as suited to the peculiar conditions of Assam and the reasons which have led us to reject them.

7. The Chief Commissioner's own scheme is a variation of the Report proposals. He would make no division of subjects but would have a Governor with an executive council composed of three elements, (*a*) two officials, (*b*) two non-officials elected by the non-official members of the legislature (hereafter called ministers), and (*c*) two non-officials nominated by the Governor. Only (*a*) and (*b*) would hold portfolios and receive salaries, but all members of the council would have the right to vote. Although he would

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have no division of subjects he would require resolutions on all subjects in the portfolios of the ministers to be accepted except for very strong reasons; and he would make budget resolutions binding in so far as they involved only the transfer of funds between heads in charge of ministers. He proposes a legislative council with a four-fifths elected element, and for the affirmative power of legislation he would rely on the existing power of making Regulations under sec. 71 of the Government of India Act, 1915. It appears, however, to be an essential part of his proposals that the council should be divided into two portions, *viz*, one official, one minister, and one non-official without a portfolio for each valley. These portions would have their headquarters in their respective valleys. Each would have its own secretariat establishment. Each would in fact form the Government of its valley in all cases of minor importance. The Governor's headquarters would remain at Shillong, and only an occasional case would be sent up to him from one valley or the other.

8. This project appears to us to have great disadvantages. The first and most obvious objection is that it would give the province an extremely top-heavy administration. The Chief Commissioner himself admits that the present administration is sufficiently heavy, and to reduce the excessive top-hamper which the superimposition of a council of six would involve he proposes to convert the existing two commissioners into councillors. Even if this were done, there would still be in each valley a council of three members exclusive of the Governor, with its own secretariat, to control the destinies of a population which is less than that of some existing districts. We think that there would certainly not be work for all the members of so large an executive, and that there would be a great danger of its interfering in details of administration with which the chief executive authority should have nothing to do. Further, the estimated surplus of the province under the Report scheme is only three lakhs. The people would undoubtedly complain if this small surplus were largely swallowed up in additions to the highest posts of an administration the weight of which is already criticised.

9. There are, however, further objections to the scheme. We could not approve of the election of members of the executive for the reasons given in para. 161 of the Report, and we have already advised in para. 37 of our first despatch that the proposal to appoint additional members without portfolios should be abandoned. Details like these could perhaps have been adjusted, but the whole conception of an executive council which is divided into two portions seems to us unsound. Each committee of council would control the whole administration within its jurisdiction, and its power would only be limited by rules requiring the submission of all cases of importance to the Governor in Shillong. For all practical purposes the committee of the council for each valley would be the Government for that valley, and there would be a strong tendency for each committee to consult the Governor less and less and to act more and more on its own authority, while the meetings of the whole council, necessarily limited even in the most favourable circumstances, would be held at increasingly long intervals. The system would, it seems to us, develop a separate tendency, and would increase rather than reduce the difficulty of bringing the two valleys under one administration.

10. Another plan which has found advocates is that of the divisional councils described in para. 243 of the Report. It is claimed that a scheme of this type, modified to meet local conditions, is eminently suited to the province, could be applied at once, and would be popular in both valleys, once the idea that Assam was receiving less generous treatment than the more advanced provinces had disappeared. The population of the sub-provinces would undoubtedly be small, but communications are bad and distances are considerable, while the fact that the provincial headquarters is situated in the hills reduces the attraction of headquarters posts to Indians. The jealousy between the two valleys might be expected to disappear in time and after a period of training on the lower plane they might join with the intervening hills in forming a single administration. While we are in full agreement with the authors of the Report in rejecting a scheme of this type for general application, we feel bound to admit that the reasons which influenced them in their decision have less application to Assam than to almost any other area in India. The divisions in Assam

would be natural and not artificial. They would certainly be small, but the range of matters which could be administered for each valley separately would not apparently be unduly limited, while the union of two divisions only would be required to raise the representative institutions to a provincial basis. Lastly, Assam is admittedly backward in its political and social development and its political needs are therefore less exacting than those of other provinces. On the whole, however, we feel that the objections to the adoption of a scheme of this type eleswhere apply also, if with lesser force, to the case of Assam, and that having rejected the scheme for general application we are unable to recommend it in the case of this one province.

11. Another suggestion is that the best arrangement would be to form an executive committee consisting of the Governor, as President, with the two commissioners and two Indians as members, the latter, of whom one would be taken from each valley, being chosen from the members of the legislative council and placed in charge of the transferred subjects. The main advantage claimed for the scheme is that it would be cheaper than that proposed in the Report. The members of such a committee, it is said, could be paid lower salaries than members of an executive council. The committee seems to us to be simply a council and ministers under another name. There is no difference in principle between this scheme and the Report scheme, and we prefer to secure the reduced cost, which we admit to be desirable, by other means than a change of name.

12. With a view to meeting the objection that the administration will be top-heavy it has also been proposed that the executive should consist of the Governor, in charge of reserved departments, assisted by two members without portfolios, and a single minister in charge of the transferred departments. This scheme approaches more nearly than any other to that which we ourselves recommend, but we feel the same objection to the *adlati* as we have already expressed in laying before you our views on the Report scheme.

13. The last constructive proposal which we shall mention is of a different type from any of the preceding. You are aware that a certain section of the inhabitants of Assam have expressed a desire for re-union with Bengal. Some of our advisers would go further on these lines: they suggest that all the plains districts of the province should be transferred to Bengal and the remainder of the province should continue to be administered on the present lines. So far as we are aware, however, such a desire for union with Bengal is confined to certain of the inhabitants of the Sylhet district, who presented an address to yourself and His Excellency in December 1917, and to other persons in the Goalpara district, regarding whose request we enclose two letters Nos. 356-W., dated March 12, 1919, and 709-W., dated May 20, 1919 from the Chief Commissioner. We have therefore no evidence, that there is any general desire for a transfer to Bengal, and we agree with the authors of the Report (para. 246) and with the Chief Commissioner that redistributions of provincial areas should not be imposed by official action, and should follow rather than either precede or accompany reform. For these reasons we do not propose to seek a solution of the problem in any territorial re-adjustments.

14. It is time now to put forward our own proposals. At the head of the province we would retain the Chief Commissioner with his present title and the emoluments proposed in para. 36 of our despatch of March 5. The retention of the title of Chief Commissioner would mark the difference between Assam and the other provinces in the matters of size, wealth, development and general importance; and for this reason it appears to us to be far more suitable than the more imposing designation of Governor which would also involve additional expenditure if the accepted status of that office is to be maintained. Under the Chief Commissioner there would be one member of council and one minister who would hold charge of the reserved and transferred departments respectively. We think that the pay of the minister should be fixed in the manner proposed in para. 41 of the despatch of March 5, and we recommend that the pay of member of council should be Rs. 3,500, which seems to us appropriate having regard to the position of the province

and the work to be done. We realise that even this comparatively slender government will increase the cost of the administration appreciably, but this we see no way to avoid. Any form of council government must be more costly than an administration with a single head. Indian opinion is strongly in favour of council government and may be expected to acquiesce in the increased cost. We do not at present see how any economies can be effected which will counterbalance this increase, but on this point we propose to consult the local administration.

15. We propose further that the division of the province into two distinct portions, one composed of plains and the other of hill districts, should be given practical recognition in the system of government. In so far as the plains are concerned the administration should be carried on in the same way as is proposed for other provinces. In particular the relations of the Chief Commissioner and his minister would be similar to those subsisting between the Governor and his ministers in other provinces. For the hill districts some modification of this system will be necessary, and we are disposed to think that the arrangements which we propose in para. 21 below for the Chota Nagpur division of Bihar and Orissa and other similar areas would be suitable. It may be, however, that parts of these hill districts should be entirely excluded from the jurisdiction of the reformed government, and we desire to consult the Chief Commissioner further on the point.

6. In regard to the legislative arrangements also we propose certain modifications of the general scheme. A council constituted on the lines proposed by Lord Southborough's committee, subject to the modification suggested by us in para. 8 of the despatch of April 23, and any others that may result from consultation with the Chief Commissioner and local opinion in Assam, would be suitable for general legislation ; but inasmuch as there exists already the power to pass regulations for Assam under sec. 71 of the Government of India Act, it is doubtful if there is any need for adopting the grand committee procedure in the case of this small province. In favour of doing so the considerations of uniformity may no doubt be urged ; but we see advantages both in keeping the legislative machinery in Assam as simple as possible and also in having somewhere in actual operation an alternative method of passing laws which do not commend themselves to the provincial council. We feel also that there may be special difficulties in regard to the introduction of standing committees and council under-secretaries until the political life of the province is further developed and communications greatly improved. The local administration is, however, in the best position to judge of the advantages of introducing these refinements, and we are prepared to leave the matter in its hands on the conditions laid down in paras. 92 and 93 of our despatch of March 5. Subject to these modifications we think that the legislative arrangements proposed for other provinces may be accepted for the plains portion of Assam. For the hill districts, however, some further special arrangements will be necessary. In regard to them we would certainly retain with the Chief Commissioner the power to propose regulations under sec. 71 of the Government of India Act, and we would confer on him the further power, which we propose below should be given to the Governor in respect of certain backward areas, of excluding by notification the whole or any part of these districts from the operation of any Act or part of an Act. Apart from the exercise of either of these powers the laws in force in the hill tracts would be those passed by the provincial legislative council.

17. As the draft Bill is no doubt already undergoing changes in London, it would be a waste of time for us to indicate at this stage exactly what modifications will be required to give effect to our suggestions ; but it is evident that change will be needed in clauses 2 (1) and (2) and consequential changes in other parts of the Bill.

Backward Tracts.

18. We turn now to the complex question of the treatment of the backward tracts. The authors of the Report (para. 199) observed that even in the

eight provinces, to which they proposed to apply their general scheme, there would be areas where material on which to found political institutions was lacking. They thought that the demarcation of these areas would present no difficulties, as they would generally be the tracts mentioned in the schedules and appendices to the Scheduled Districts Act, 1874, and, while proposing that the definition of these areas and the arrangements to be made for them were matters for further consideration, they suggested that the typically backward tracts should be excluded from the jurisdiction of the reformed provincial Governments and administered by the Head of the province. We are not sure what construction should be placed on the phrase "exclusion from the jurisdiction of the reformed governments," and before we consider the local Governments' proposals, we desire to explain our own views on this point. We think that if any area is wholly excluded from the scope of the reforms scheme, it would inevitably follow that :—

(*i*) no legislation should be enacted, no question should be asked and no resolution should be moved, affecting such area, in the legislative council. Legislation for such an area be effected, entirely by means of regulations made by the Governor General in Council under sec. 71 of the Government of India Act, 1915.

(*ii*) the administration of such areas, as regards both reserved and transferred subjects, should be carried on either by the Governor, as proposed in the Report, or, as we ourselves should prefer, by the Governor in Council.

(*iii*) budget provision for the administration should be made separately, and should not be subjected to the scrutiny of the legislative council.

Since this is what exclusion involves, however, it seems to us to follow that the tracts excluded must be restricted to the narrowest possible limits. Such areas would in fact be those which pre-eminently deserve the description of 'typically backward tracts.' But when such territories have been excluded there will still remain considerable tracts which in the opinion of most of us are not yet suited for the type of government which we propose for the provinces generally. The treatment of these intermediate areas presents a difficult problem. They are larger and more important than the wholly excluded areas and some of them return representatives to the existing councils. Apart from this, the actual administration of the transferred subjects within them presents practical difficulties which would not occur in the case of the smaller and wilder places. In Bihar and Orissa, for example, there are wide areas which taken as a whole are backward but yet contain towns enjoying local self-governing institutions. If such areas were wholly excluded, then any business connected with these municipalities would be transacted not by the minister but by the Governor or a Member of the Executive Council, though the same Secretary to Government would deal with all municipal administration and the same provincial inspecting agencies, such as Deputy Sanitary Commissioners, Audit officers and others, would deal with departmental questions in these just as in other municipalities : the Director of Public Instruction for instance would be under the Minister in respect of ordinary education business, but, so far as excluded areas were concerned, would be subordinate to the Governor or a Member of Council ; while officers of transferred departments whose jurisdiction extended into the excluded areas would have to serve two superior authorities, and officers required solely for excluded areas would have to be borrowed from the cadres under the Minister. Further complications would arise in regard to budget procedure. If the separate purse system is adopted, then all receipts and expenditure on account of transferred subjects in these areas would have to be separated from the departmental budgets and included in the reserved budget. These examples are sufficient to illustrate the difficulties which would be encountered. We believe therefore that the total exclusion of many so-called backward areas is not feasible, and would lead to much avoidable confusion and friction in the administration. On the other hand as we are not prepared to apply the general scheme of reforms in such areas to its full extent, we have to seek some modifications which will render

the scheme suitable for application to these areas. Our view is therefore that the backward areas should be divided into two classes, namely,

(*a*) those wholly excluded, and

(*b*) those in which the scheme should be introduced with modifications.

In deciding how to apply these principles we have been guided partly by the existing legal position in respect of the several areas, and partly by the recommendations of local Governments. The latter together with a brief summary of their contents are included as enclosures Nos. I (i) to (viii) and II of this despatch. The legal position is set out clearly in the statement (enclosure No. V) which has been prepared in our Legislative Department.

19. We take first the case of Bihar and Orissa, in which province the tracts proposed for special treatment are the largest and most important. The local Government have come to the same conclusion as ourselves that all the backward areas cannot be treated similarly. They propose that—

(*a*) the Santhal Parganas and Angul should be wholly excluded; and

(*b*) the five districts of the Chota Nagpur division and the district of Sambalpur should be included in the scheme and should be treated as ordinary districts, with this exception that the Governor in Council should have power (1) to prescribe by notification the portions of these districts to which any Act or portion of an Act shall apply, (2) to decide to what portions of these districts the jurisdiction of ministers shall extend, and (3) to exclude any such portion from the scope of any order by a minister.

20. The district of Angul is the simplest case. It consists of two separate portions embedded among the Orissa States. The headquarters of the two parts are nearly ninety miles apart and are separated by State territory. Each subdivision is a network of hills, valleys, ravines and forests, with very little cultivated land. The density of the population is less than in any other district of the province, and the inhabitants are mostly aborigines or low caste Hindus, of whom a very small percentage is literate. The district is a scheduled district and de-regulationized by the Angul Laws Regulation, 1913, that is, it is an area which is excluded from the operation of the ordinary law. Legislation is effected by Regulation and the district is unrepresented in the legislative council. We entirely agree that it should be wholly excluded from the scope of the reform scheme and should be administered by the Governor in Council.

21. The Chota Nagpur division, however, contains five districts with an area of 27,000 square miles and a population of five and a half millions The standard of civilization varies very considerably in different parts: the wilder tracts are inhabited almost exclusively by aboriginal and semi-aboriginal tribes, while on the other hand the division contains a certain number of towns, the most important coal-fields in the whole of India, and an area round the Tata iron and steel works which bids fair to become one of the most important industrial manufacturing centres in the country. The whole division is scheduled under the Scheduled Districts Act but is not de-regulationized. Legislation cannot at present be effected by Regulation as the division, though scheduled, has not been the subject of a resolution under sec. 71 (4) of the Government of India Act, 1915, or the provision which that section re-enacted. The districts of this division are represented in the provincial legislative council, and indeed the only legislative authority at present is that council, though various enactments in force are of local application only and different in character from those in operation in other parts of the province. The administration generally is conducted on much the same lines as in other parts of the province with this exception that in certain parts of the division the same officers administer both civil and criminal justice. The ordinary Civil and Criminal Procedure Codes are in force. In view of all these facts we agree with the local Government that it is not advisable wholly to exclude this area from the scope of the reforms scheme. At the same time there are some special considerations of which account must be taken. There are in the division a large

number of ignorant and excitable aborigines, who actuated by the exactions of landlords and the oppression of money-lenders have from time to time joined in armed risings against the Government. There is also, at times, a pronounced bitterness of feeling between the aborigines and the other Indian inhabitants. For these reasons we are not prepared to recommend the inclusion of the division without some special safeguards. We agree with the Lieutenant-Governor in Council that the Governor in Council should have power to decide what legislation shall have force in the division or any part thereof. We would give him a power by notification to exclude the whole or any part of the area from the operation of any Act or part of an Act passed by the local legislature, and also power to apply any such legislation, with any restrictions or modifications that he considers necessary, to the division or any part of it. Except for these powers of exclusion, restriction and modification, the Lieutenant-Governor in Council would have no positive power of legislating for such areas otherwise than through his legislative council and if need be his grand committee. On the administrative side we do not think that it is desirable to place in the hands of the Governor in Council the power to exclude any part of the division from the jurisdiction of ministers. This is not in our opinion a power which can advisably be vested in any local Government. We would give ministers jurisdiction throughout the whole area, but it should be understood that in the exercise of the control discussed in para. 219 of the reforms Report, the Governor would have a wider discretion in varying the orders of the ministers in these areas than he has elsewhere. Moreover as an ultimate safeguard we would permit him, with the previous sanction of the Governor General in Council, to re-transfer any transferred subject in these tracts if such an extreme measure became necessary. The Governor, thus empowered, will then be in a position to carry out the instructions with which we propose to charge him in respect of aboriginal tribes and which have been included in the draft instrument forwarded with our despatch of April 16. These proposals differ in some respects from those put forward by the local Government, and we think that the Governor in Council should be given an opportunity to examine them before they are finally adopted.

22. The Santhal Parganas is a large and comparatively densely populated district which is inhabited chiefly by aborigines, semi-Hinduised aborigines and low caste Hindus. Middle or higher castes form only a small percentage of the population, but there is a Bengali fringe on the east and south of the district where it adjoins Bengal, and the district contains several Bengali health resorts. The district resembles Chota Nagpur in respect of the danger of aboriginal risings against landlords and money lenders and the bitterness of feeling between the aborigines and the Hindus, which is due to efforts by the Hindus to deprive the aborigines of their lands. Some collieries have recently been opened but their output is still small. The district is scheduled under the Scheduled Districts Act, is de-regulationized, and is an area in which legislation can be effected by Regulation under sec. 71 of the Government of India Act, 1915. A small number of persons entitled to vote for members of the existing legislature are resident in the district and Lord Southborough's committee have recommended that the municipalities of the district should be included in the new urban constituencies. The local Government propose that the district should be wholly excluded. For various reasons we feel that it would be hard to justify this extreme measure. We have already mentioned the proposed enfranchisement of the municipalities. Other reasons are that a considerable part of the district is no more backward than other parts of the province, which will not be excluded, and no part of the district is more backward than a large portion of Chota Nagpur. We propose therefore that the district should be treated in the same manner as Chota Nagpur.

23. Sambalpur was transferred from the Central Provinces to Bengal in 1905. Its position is much the same as that of the Chota Nagpur division and some of its inhabitants are at present enfranchised. We think that the arrangements proposed for the Chota Nagpur Division would also be suitable for this district.

24. We turn next to Madras where large and important areas are also proposed for exclusion. In regard to the Laccadive and Aminidive Islands

we agree with the local Government. The total area of these islands is only ten square miles and their population fourteen thousand. The islands lie at a distance from 125 to 250 miles from the Malabar coast and during the monsoon are entirely cut off from the mainland. They are scheduled districts and are excluded from the operation of the ordinary laws at present. Their interests are entirely distinct from those of the mainland and no advantage would accrue to them from inclusion within the scope of the reforms scheme. The Agency Tracts in the districts of Ganjam, Vizagapatam and Godavari, however, are in an entirely different position. These tracts have a total area of nearly 19,000 square miles and a population of 1½ million. They are largely covered with jungle, sparsely provided with communications, and inhabited by tribes which are described as "most illiterate and ignorant of the ways of the world, and yet ready to go on the war path, if any of their many peculiar susceptibilities are wounded." It was owing to their increasing turbulence that they were excluded from the operation of much of the ordinary law and placed under the direct administration of the Collectors who were armed with special powers as Agents to the Governor. The limits of these tracts come under review from time to time and if any portion of them is excluded it comes automatically under the regular administration. The tracts are scheduled districts under the Scheduled Districts Act but it may be doubted whether they are properly speaking de-regulationized areas. At present legislation is effected by rules made by the local Government under an Act of 1839 and the Scheduled Districts Act, 1874. The tracts contain some large zamindars, who at present share in the election of a member of the provincial council, and other voters, and therefore we hesitate to endorse the proposals of the local Government which would result in the disenfranchisement of these persons. We are disposed to think that the arrangements proposed for the Chota Nagpur division of Bihar and Orissa would be suitable and in regard to these we desire to invite the opinion of the local Government.

25. The Government of Bengal recommend the exclusion of the Chittagong Hill Tracts and the Darjeeling district. In regard to the former we have no hesitation in endorsing their proposal. These tracts cover a wide area. They are very sparsely populated and their inhabitants belong to a variety of more or less savage tribes. The district is a mass of hill, ravine and cliff, covered with dense bamboo, tree and creeper jungle. It is a scheduled district and is also de-regulationized. Legislation is effected by Regulation and no inhabitants of the district at present have a vote in council elections. It is clearly a typically backward area which should be wholly excluded.

26. The exclusion of the Darjeeling district is a more doubtful proposal. It is entirely composed of mountains and *tarai*, and its inhabitants are mostly of Mongolian origin, among whom Nepalese, Lepchas, Bhutias and Tibetans are numerous, while in the *tarai* there are large numbers of aborigines from Chota Nagpur and the Santhal Parganas. The percentage of the literate population is well above the average for the presidency, but this is possibly due to the considerable Christian population. The district is scheduled under the Scheduled Districts Act, but is not de-regulationized and is not an area in which legislation can be effected by Regulation. Its inhabitants include a considerable number whose names appear on the elected rolls of the existing legislative council. The case for total exclusion is strengthened by the expressed desire of the hillmen, a copy of whose representation is enclosed with the local Government's letter. On the whole, however, we should prefer to treat the district in the manner proposed for Chota Nagpur and other areas, and desire to consult the local Government before making any final recommendation.

27. The two areas proposed for exclusion in the Punjab raise no difficulties. Lahaul and Spiti are remote tracts of country lying in the heart of the Himalayas and cut off from the rest of the province for six months in every year. They are both scheduled districts and Spiti is also de-regulationized. We agree that both areas should be wholly excluded.

28. The Governments of Bombay and the United Provinces do not propose the exclusion of any areas. We accept their view. The Chief Commissioner of the Central Provinces has not suggested any area for exclusion, but proposes

that certain tracts should be represented in the legislative council by nomination rather by election. Provision for the representation of these areas by nomination has been made in the scheme suggested by Lord Southborough's committee and we do not desire to make any alternative proposals, though we think that there would be advantages in applying to these tracts the same arrangements as we propose for Chota Nagpur and other areas.

29. These then are the lines on which we propose to treat the question generally. Their precise application can only be determined after further reference to local Governments. We should not for instance be prepared to abandon the use of sec. 71, of the Government of India Act, 1915 in all the partially excluded areas where it can be employed at present without an assurance that the local Government concerned is satisfied with the arrangements proposed in lieu of it. With this reservation, however, our proposals are :—

(*i*) that Angul, the Chittagong Hill Tracts, the Laccadive and Amanadive Islands, Spiti and Lahaul should be wholly excluded from the reforms scheme;

(*ii*) that Chota Nagpur, the Santhal Parganas, Sambalpur, the Agency Tracts in Madras, and the Darjeeling district should be partially excluded.

We have now to indicate how we think that effect should be given to these proposals. It will be more convenient to define the excluded or partially excluded areas by rule rather than by a new schedule to the statute, both because we need time for the determination of details, and because it may hereafter be necessary to vary whatever arrangements are made at the outset. The first step therefore would be to insert in the Bill a clause empowering the Governor General in Council with the sanction of the Secretary of State in Council to make rules excluding any area within the eight provinces (or, excluding Assam, seven) to which the provisions of Part I of the Bill apply wholly or partially from such provisions. The Bill should provide that areas wholly excluded would remain under the administration of the Governor in Council; and that legislation for them would be effected entirely by Regulations. In respect of areas partially excluded there should be no new power of making Regulations, but the Bill should confer the following powers :—

(*i*) power to the Governor in Council by notification to exclude the whole or any portion of such partially excluded area from the operation of any Act or part of any Act passed by the provincial legislative council ; or to apply with such restrictions, or modifications as he thinks fit, any such Act or part of such Act to the whole or any portions of such area ;

(*ii*) a similar power to the Governor General in Council to exclude such area or part of an area from the operation in whole or part of an all-India Act or to apply it thereto with restrictions or modifications as he thinks fit. This power is merely the necessary complement to (*i*) ;

(*iii*) power to the Governor in Council, with the previous sanction of the Governor General in Council, to retransfer the administration of any given subject in respect of such areas to the hands of the Governor in Council.

We do not tkink that it is necessary to make specific provision for the freer exercise of the Governor's powers of intervention in transferred subjects in respect of such areas, to which point we have referred in para. 21 of this despatch. But if you consider it necessary to provide for it explicitly the appropriate means of doing so would be to include a provision in the instrument of instructions

30. Our colleague Sir Sankaran Nair agrees with our proposals in so far as the areas to be wholly excluded are concerned, (though he would prefer that the Bill should itself specify the wholly excluded tracts) but does not agree in regard to the other areas. He does not think that the administration of ministers

in these latter areas should be subject to any greater strictness of control by the Governor than it is elsewhere. He feels that the orders of a minister in regard to such areas could not ordinarily be interfered with without affecting other territories, and he objects most strongly to the proposal that the Governor should be given the power to re-transfer any transfered subject with the sanction of the Governor General in Council. In his view all that is needed is that the Governor should be charged with the special duty of protecting the interests of all aboriginal tribes.

We have the honour to be,

SIR,

Your most obedient, humble Servant

(Signed) CHELMSFORD

„ C. C. MONRO.

„ C. SANKARAN NAIR.

„ W. H. VINCENT.

„ R. A. MANT.

„ H. F. HOWARD

Minute of Dissent.

I accept the scheme proposed for Assam in the Despatch subject to the minutes of dissent which I have already submitted. I have to add that I do not agree with all the reasons given for rejecting the proposals of the Local Government. I approve of the election of members of the executive by the Legislative Councils.

SIMLA ;
June 5, 1919.

C. SANKARAN NAIR.

LIST OF ENCLOSURES.

I.—

(*i*) Letter from the Government of Madras, no. 1024, dated November 9, 1918.

(*ii*) Telegram from the Government of Bombay, no. 9630, dated November 6, 1918.

(*iii*) Letter from the Government of Bengal, no. 6153-A., dated November 15, 1918, and enclosure.

(*iv*) Letter from the Government of the United Provinces, no. 2079, dated September 23, 1918.

(*v*) Telegram from the Government of the Punjab, no. 26418, dated November 17, 1918.

(*vi*) Letter from the Government of Bihar and Orissa, no. 4097-P., dated November 9, 1918.

(*vii*) Letter from the Chief Commissioner, Central Provinces, no. 389-A.-IV, dated November 21, 1918.

(*viii*) Extract paras. 4 and 5 of a note by the Hon'ble Sir Nicholas Beatson-Bell, Chief Commissioner of Assam, dated October 24, 1918.

II. Summary of local Governments' proposals—

III. Analysis of the revenue and expenditure of the hill districts in Assam.

IV.—

(*i*) Letter from the Chief Commissioner of Assam, no. 356-W., dated March 12, 1919, and enclosure.

(*ii*) Letter from the Chief Commissioner of Assam, no. 709-W., dated May 20, 1919, and enclosure.

V. Statement showing the powers of legislation in the territories referred to in the despatch.

APPENDIX I.

No. 1024, dated Fort St. George, the 9th November 1918.

From—The Hon'ble Mr. C. G. Todhunter, I.C.S., Acting Chief Secretary to the Government of Madras, Public Department,

To—The Secretary to the Government of India, Home Department.

I am directed to reply to the Home Department telegram no. 1324-Public, dated the 3rd October 1918, in which the Government of India desire to be furnished with the recommendations of the Governor in Council as to the backward tracts in this Presidency which should be subject to special treatment with reference to paragraph 199 of the Report on Indian Constitutional Reforms.

2. In the Ganjam, Vizagapatam and Godavari districts of this Presidency there are certain special tracts known as the Agency tracts and these are described in the schedules and appendices to the Scheduled Districts Act, 1874 (XIV of 1874), and the Laws Local Extent Act 1874 (XV of 1874). These areas owing to their hilly and jungly character, the prevalence of malaria and the absence of communications, have hitherto remained almost completely undeveloped and are generally exempt from the operation of the laws in force in the plains and the jurisdiction of the ordinary courts of justice. They are administered directly by the Governor in Council who has framed for the guidance of his agents and subordinate officers a few simple and elastic rules of procedure in virtue of the powers conferred on him by Acts XXIV of 1839 and XIV of 1874. The Agency tracts are inhabited mainly by simple and ignorant jungle tribes whose education is still elementry and who retain their ancestral customs as to tenure of land, devolution of property, family or tribal organization and social observances. These tribes, are still in very early stages of civilization, use bows and arrows, wear little clothing, are timid, excitable and easily imposed upon and totally unfit for any form or degree of political advance. The Governor in Council believes that these tracts are best administered under the existing simple system of rules and should under such conditions be more capable of development on sound lines than if brought at this stage under the influence of complex codes. They are clearly areas in which material for the foundation of political institutions is at present entirely lacking. I am accordingly to recommend that the Agency tracts of this Presidency be excluded from the jurisdiction of the reformed provincial Government and continued under the present system of administration. I may add that from time to time occasion arises for the examination of the revision of the limits of the Agency tracts and if in the future any area should be excluded from such tracts, it would automatically become liable thereby to the jurisdiction of the reformed provincial Government.

3. I am also to recommend the exclusion from the jurisdiction of the reformed provincial Government of (*i*) the Laccadive Islands, including Minicoy, attached to the Malabar district and (*ii*) the Aminidivi Islands attached to the South Kanara district. The Malabar Islands are administered under a special law—The Laccadive Islands and Minicoy Regulation, 1912. The A minidivis, or the northern group of the Laccadives, are included in the expression "Laccadive Islands and Minicoy" occurring in the first schedule, Part I of the Scheduled Districts XIV of 1874. These Islands are excluded from the operation of the general Acts and Regulations and the jurisdiction of the ordinary courts of judicature. The people are primitive and the administration is of a patriarchal character, the chief representative of the Government being an officer styled 'Monigar' whose court has the sanction of custom, usage and unquestioned authority.

Telegram No. 9630, dated the 6th November 1918.

From—The Secretary to the Government of Bombay, Political Department,

To—The Secretary to Government of India, Home Department.

Reference your 1324-Public, September 3rd. Bombay Government have no recommendations regarding backward tracts.

No. 6156-A., dated the 15th November 1918.

From—H. E. Wilkinson, Esq., I.C.S., Officiating Chief Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Home Department.

I am directed to refer to your telegram no. 1324-Public, dated the 3rd September 1918, inquiring what areas in this Presidency the Governor in Council would recommend for the special treatment indicated in paragraph 199 of the Report on Indian Constitutional Reforms.

2. The report contemplates the exclusion from the jurisdiction of the reformed provincial Governments and the direct administration by the Head of the Province of backward tracts, where the people are primitive and there is as yet no material on which to found political institutions, and it is suggested that these tracts will generally correspond with the areas mentioned in the Schedule and appendices to the Scheduled Districts Act, 1874.

3. There are three districts in this Presidency which appear in these schedules and appendices, the Chittagong Hill Tracts, Darjeeling and Jalpaiguri. Of these, the Hill Tracts are included in Appendix B to the Act, and its laws, therefore, are framed not by the Legislative Council, but by regulations of the Governor General in Council under section 71 of the Government of India Act, 1915. The district is in fact already excluded from the purview of the Bengal Legislative Council; it is expressly excluded from the landholders and Muhammadan electorates, and as it has no district board or municipality, it has no representative of any kind on the Council. The people are primitive, and there can be no doubt that the Hill Tracts should be accorded special treatment.

4. With regard to Darjeeling and Jalpaiguri the position is somewhat different: they are included in Appendix I to the Scheduled Districts Act, and so are governed, not by regulations, as in the case of the Hill Tracts, but by the ordinary law, subject to the provisions of the Scheduled Districts Act. They have it is true, special rent and revenue laws, and in Darjeeling executive officers perform the duties of civil courts, but, so far as the general law is concerned, they do not differ very much from the rest of the Presidency. Moreover, they are already represented in the existing Legislative Council; they elect a member to represent the tea planting community in the two districts, and they are included in the landholders, Muhammadan and municipal electorates of the Rajshahi Division, while Jalpaiguri, in conjunction with the other districts, returns a member for the District Boards in the Division.

5. These districts therefore do not answer the description of backward tracts as given in paragraph 199 of the Report. At the same time there are special circumstances justifying the exclusion of Darjeeling from the reform scheme. Being almost entirely a hill district, its population have no affinity whatever with Bengal and even if they were represented in the new Legislative Council, they would be absolutely swamped. Moreover, Darjeeling is a frontier district, abutting on Sikkim and Bhutan and the main road from Bengal to Tibet passes through the district, so that its strategic position alone would justify special treatment. The local officers, the leading associations and the hillmen themselves are unanimous in recommending the exclusion of the district from the scheme. It was explained to the tea planting community that this would involve the loss of their seat in the Legislative Council, but they consider that this would be more than compensated for by the advantages of separate treatment: and it will be recollected that the deputation, representative of all the hill races resident in the district, which waited upon the Viceroy and the Secretary of State in the course of their enquiry, urged that they should not be considered as part of Bengal in any scheme of self-government that might be adopted. A copy of their memorial is forwarded herewith for ready reference. The Governor in Council, therefore, has no hesitation in recommending that Darjeeling also should be excluded from the jurisdiction of the reformed government.

6. The position of Jalpaiguri is different again. The district consists of two well-defined parts, the area of the west Teesta, permanently settled and originally part of the neighbouring district of Rangpur, and the eastern portion which belonged to Bhutan until 1865, when it was annexed by the British Government. About two-thirds of this latter area is under reserved forest or tea cultivation, and the system of land tenure is different from that prevailing anywhere else in the province. Opinions as to the treatment of these areas differ: the Planters' Association would exclude, and the Jalpaiguri Municipality and Anjuman Islamia include, the whole district in the scheme whereas the Deputy Commissioner and the District Board urge special treatment for the part east of the river Teesta and for two thanas on the west of it, where the population is scanty and backward and a large area is under forest.

7. There would appear to be no particular justification for according special treatment to the permanently settled area west of the Teesta, especially as there is practically no difference between the conditions prevailing there and those in the neighbouring districts, about whose inclusion there can be no question. It remains, therefore, to consider only the tract east of the Teesta. The arguments put forward in favour of according special treatment to this area are that nearly the whole of it is covered by reserved forest and tea gardens or is a *khás* managed Government estate; the majority of the population consist of hill and aboriginal tea coolies, and illiterate Rajbansis and Meches, and the north-east boundary of the district marches with Bhutan. The tract covers an area of 1,957 squire miles, and has a population of just over a million but only 41,000 are hill men, so that it has no great affinity with Darjeeling. It is true that over 167,000 are aboriginals but these are mostly immigrants who have come to work

on tea gardens, and, as it will be very many years before persons of this class have any voice in the working of the reformed Government, wherever they may be, His Excellency in Council does not consider that their existence alone warrants the exclusion of the district. Of the remaining three-fifths of the population the great majority are Rajbansis and Muhammadans. The Rajbansis are not indeed pure Bengalis, and a great many of the Mohammadans are converted Rajbbansis, but as the same conditions prevail in the adjacent districts, this cannot be accepted as a conclusive argument.

That the district borders on Bhutan is of importance if the Government of India contemplate reserving a tract along the northern or north-eastern frontier, and on this point the local Government have no information, but otherwise it is unnecessary to attach much weight to this consideration, as, if there were serious trouble at any time with Bhutan, this area would have to be occupied by a military force, whatever the form of civil government might happen to be.

8. His Excellency in Council is inclined to think that the balance of argument is in favour of including the whole of the Jalpaiguri district within the scope of the Reforms Scheme. The eastern area is too small to form a separate district by itself, and its position precludes it from being conveniently joined on to Darjeeling, which is the only alternative if it is to be accorded special treatment. The peculiar conditions of its population and land tenures do not constitute an insuperable obstacle to its coming under the reformed provincial Government; and it is a flourishing and rapidly developing tract, associated with many matters of general importance to the province, unlike Darjeeling which, from its position in the hills and the nature of its population, must always remain set apart from the main Presidency of Bengal.

9. There are indeed other backward areas, for which exclusion might be urged, such as the aboriginals in the Burdwan division, for whom special provision has already been made in the Bengal Tenancy Act, 1918; but the difficulty is that they do not occupy a compact area and it would thus be impossible to provide satisfactorily for them.

10. The Governor in Council would therefore recommend as suitable for special treatment the districts of Darjeeling and the Chittagong Hill Tracts only, but it has been impossible in the time allowed to examine the matter fully as might have been wished and the proposals must be regarded as provisional pending further examination of the nature of the treatment which will be accorded to the excluded tracts.

ADDRESS BY THE HILLMEN OF DARJEELING.

The humble memorial of representatives of the Darjeeling district.

Dated 8th November 1917.

RESPECTFULLY SHEWETH,

That we, the undersigned Lepchas, Bhutias and Nepalese, representing the opinion of the people of the Darjeeling district, gratefully respond to the invitation issued by the Government to the people of India to make representations to be laid before the Secretary of State for India during his coming visit.

What prompts us to approach Government is not any feeling of discontent or dissatisfaction with the present system of Government. On the contrary we are perfectly contented. We have hitherto abstained from all political agitation and we have treated the movement for Home Rule with neglect and even disfavour. But now that the British Government has definitely stated that Home Rule is the ultimate goal towards which it desires that India should gradually proceed, *we feel it our duty to safeguard our future position* by presenting Government with a statement of our views on one point which seems to us of vital importance.

At present the Darjeeling district is one of the many districts of the Bengal Presidency, with the centre of Government in Calcutta. This intimate connection with the plains of Bengal, however, is but of comparatively recent origin, and it only exists because of the common relationship of lands under the same British rule. There is, moreover, no real affinity between the peoples of this Himalayan and Sub-Himalayan region and those of the plains of Bengal *and our plea is that it may now be established as a settled principle in any arrangement for the realisation of Home Rule for the people of the plains of Bengal that this district should be excluded from them and that the evolution of our political life should be towards a distinct local government of our own on such lines as may be approved by the British Government.*

We live in an absolutely different world from the rest of the people of Bengal. *Geographically* no greater contrast is possible than that between the mountainous Darjeeling district and the plains of Bengal. *Racially* there is an equal dissimilarity, for the great mass of our population is Mongolian and akin to the peoples beyond the Himalayas rather than to those of India. *Historically* we have until recent years lived a life entirely apart. The Darjeeling district except the Kalimpong subdivision, was gifted by or annexed from the kingdom of Sikkim last century; the Kalimpong subdivision and the Duars were Bhutanese till above fifty years ago, and the Nepalese have immigrated from Nepal in recent years. *Religiously* we are, as regards the Lepchas and the races of Tibetan origin as well as a number of the Nepali castes, quite distinct from the people of the plains, and even the religious customs of the Nepalese, who are classed as Hindus, vary largely from those of the Hindus of Bengal. *Linguitically* we have no alliance with the rest of Bengal. Even the *lingua frana* of our courts and schools is Hindi, and not Bengali while the great mass of the workers on the tea gardens of the Duars and the Terai are immigrants from Bihar and Orissa and Nepal with fact—in addition to the geograhphical and historical arguments—makes it natural and fitting that the Tea District of the Duars should be linked up with the Darjeeling district rather than with Bengal.

A futher argument in favour of a separate Eastern Himalayan unit of Government is based on health considerations. The plains are entirely unsuited to hill peoples, who are most unwilling to go to the plains to live. This makes it essential for the future welfare of the district that it should be as far as possible self-contained. In the matter of education, to give one important illustration, we look forward to having our own colleges and other institutions for professional training. At present these are in the plains, and this has acted as a great barrier to the higher education of our people. But although higher education is backward, primary education is more general than in any other district of Bengal, and we have therefore to hand the true basis for a natural and satisfactory educational advance.

Our humble petition, therefore, is that in laying down plans for the future, the Government should aim at the creation of a separate unit, comprising the present Darjeeling district with the portion of the Jalpaiguri district which was annexed from Butan in 1865.

The creation of this separate unit may be objected to on the ground that it would be very small as compared with other probable units of Government in India. The population of the Darjeeling district is now only 300,000. That of the Jalpaiguri district is larger. But 50 years ago the population was not a tithe of what it is now and the phenomenal increase is likely to be maintained as the districts are capable of large development. The possibilities through the use of hydro-electric power alone are immense.

Moreover the district has an importance disproportionate to its area in that it is a vital frontier District. Our people are the natural guardians of the frontier and we would welcome the privilege of keeping ourselves ever ready to fulfil this function. A small but significant incident, illustrative (in this connection) of the drawback from our relations with the organisation suited to the plains, is found in the recent call for recruits for Indian Defence. Very few felt able to respond because the larger periods of training were to be undertaken in the plains. Had it been possible to arrange for the training at centres in the hills, we are convinced that volunteers in large numbers would have been forthcoming and we are confident that, if the Government wished it, practically all the able-bodied men of our hill communities could be enlisted in a force to defend the frontier.

It is possible, indeed, that the Government might consider it wise to create a still wider North-Eastern Frontier Province to include in addition to this district the Assam Duars and the hill territories which lie to the east of Bhutan and whose peoples have affinities with our people.

No. 2019, dated Naini Tal, the 23rd September 1918.

From The Hon'ble Mr. S. P. O'DONNELL, I.C.S., Chief Secretary to the Government of the United Provinces,

To—The Secretary to the Government of India, Home Department.

I am directed to refer to your telegram no. 1324-Public of the 3rd September, in which it was stated that the recommendations of the Lieutenant-Governors as to the backward tracts, if any, which should be subject to special treatment, should be communicated to the Government of India as early as possible.

2. The only areas in these provinces which have even a *prima facie* claim to the special treatment adumbrated in paragraph 199 of the Report on Indian Constitutional Reforms, are those to which the Scheduled Districts Acts of 1874 applies. There are (1) the districts of Almora and Garhwal; (2) the Tarai Parganas; (3) Jaunsar Bawar and (4) parts of the Mirzapur district. The latter three tracts are small areas, of little importance, and it would be inconvenient, and would serve no useful purpose to exclude them from the jurisdiction of the reformed Provincial Government. The districts of Almora and Garhwal on the other hand, although hitherto little affected by recent political developments, are not in other respects backward tracts. Elementary education is more widespread in these districts than in the province as a whole, and the level of intelligence is fully as high as in the plains. Public opinion in these districts, in so far as articulate, is against their exclusion, the non-official members of Council were unanimous against in it in the debate held by them on the Reforms Scheme, and the Lieutenant Governor considers that no adequate grounds for this can be aduced. I am accordingly to say that there are no tracts in these provinces which the Lieutenant Governor recommends should be subject to special treatment in connection with constitutional reforms now under consideration.

Telegram no. 20418, dated the 17th November 1918.

From—The Additional Secretary to the Government of the Punjab,

To—The Secretary to the Government of India, Home Department.

Your 1324-Public of 3rd September 1918. Only tracts which Lieutenant-Governor recommends should be excluded from scope of reforms scheme are Lahaul and Spiti in Kangra district. Recommendation based on their remote and primitive character. Owing to snow blocking passes they are inaccessible for six months in the year.

No. 4097-P., dated Ranchi, the 9th November 1918.

From—The Hon'ble Mr. H. McPherson, I.C.S., Chief Secretary to the Government of Bihar and Orissa,

To The Secretary to the Government of India, Home Department.

I am directed to refer to your telegram no. 1324. dated the 3rd September 1918, regarding the exclusion of backward tracts from the jurisdiction of the reformed Provincial Governments, and to express regret that it was not found possible to submit the recommendations of the local Government before the 1st November. The Lieutenant-Governor in Council was unable to form his conclusions on this important subject, till he had formulated his recommendations on the entire scheme of reforms and considered their bearing on the administration of the backward areas in the province.

2. The areas which would naturally fall to be excluded from the jurisdiction of the reformed local Governments and to be administered by the Head of the Province, if the spirit of the suggestion in paragraph 199 of the Report be followed, are the deregulationized districts of the Santal Parganas and Angul and the Scheduled districts which include besides the regulationized tracts the whole of the Chota Nagpur Division and a substantial portion of the Sambalpur district which was taken over from the Central Provinces in 1905.

3. The legal position in these areas is explained below :—

(1) The Santal Parganas is a deregulationized tract, that is to say, it was removed by Act XXXVII of 1855 from the operation of the general laws and regulations, and was placed under the superintendence, and jurisdiction of officers to be specially appointed by the Lieutenant Governor. By resolution of the Secretary of State in Council the provisions of section 71 of the Government of India Act 1915 apply to the district. Under the Santal Parganas Settlement Regulation (III of 1872). the enactments deemed to be in force in the district are set out in a schedule, and it is provided that except in so far as concerns the trial and determination of civil suits in value over Rs. 1,000 when these are tried under the Bengal, Agra and Assam Civil Courts Act, 1887, no other enactment shall, unless the Santal Parganas be expressly mentioned therein, be deemed to apply to the said Parganas, but the local Government may by notification in the Gazette declare any other enactment to be in force, withdraw such declaration, or with the previous sanction of the Governor General in Council declare that any enactment specified in the schedule shall cease to be in force in the district. Other regulations make provision in respect of rent (II of 1886) the administration of justice (V of 1893), and rural police (IV of 1910) and even the civil suits of the exceptional class above referred to are tried by executive officers vested with judicial powers.

The Santal Parganas district is also named in the First Schedule to Act XIV of 1874 (the Scheduled District Act among the Scheduled Districts of Bengal, but the Act has never actually been brought into force in the district.

(2) *Angul* is both a Scheduled district and a deregulationized tract Notifications under Act XIV of 1874 were issued for the Angul subdivision, but they have been superseded by Regulation I of 1894 which in its turn has been replaced by Regulation III of 1913 (the Angul Laws Regulation). Under this regulation the laws applicable in the district consist of the following and no others :—

(*a*) the enactments enumerated in the schedule to the regulation, and

(*b*) enactments thereafter passed which one expressed by special mention of the district or part thereof to extend thereto, and

(*c*) enactments declared in force or extended thereto by notification of the local Government in the provincial gazette.

(3) *Chota Nagpur* is a Schedulded District in respect of the whole of which notifications under section 3 have been issued. It comprises the districts of Ranchi, Palamau, Hazaribagh, Manbhum and Singhbhum.

(4) *Sambalpur*.—The Bara Sambar, Kolabira and Rampur Zamindaris, which cover about one-third of the district, are Scheduled Districts in which the Act was brought into force in 1878.

Legislation for the Santal Parganas and Angul is ordinarily by Regulation under section 71 of the Government of India Act 1915. Only one Act of the Bihar and Orissa legislature expressly applies to them, and of the Acts of the Imperial legislature from 1913 to 1918 inclusive only thirteen are expressed to extend to the Santal Parganas and three to Angul.

The bulk of the ordinary laws are in operation in the scheduled districts of the Chota Nagpur Division.

4. The area and population of the districts concerned are shown in the table below

District.	Area in square miles.	Population.
1	2	3
Santal Parganas	5,468	1,882,978
Angul (including Khondmals)	1,681	1,99,51
Chota Nagpur—		
Ranchi	7,104	1,387,516
Palamau	4,914	887,207
Hazaribagh	7,021	1 288,009
Manbhum	4,147	1,547,576
Singhbhum	3,8.1	694,394
Total of Division ..	27,077	5,605,362
Sambalpur—		
Three Scheduled Zamindaris	1,268	166,572*
Rest of district	2,556	577,621
Whole district ...	3,824	7,44,193

* NOTE.- Calculated by proportion from the 1901 figures.

5. The problem cannot be correctly appreciated unless some brief account be given of the characteristics of the country and people comprised in each district.

The Santal Parganas is the chief stronghold of the Santal race who form 35 per cent. of the total population. In 1855 their rebellion against the oppression of alien landlords and money-lenders led to the enactment of Act XXXVII of that year which removed the district from the operation of the general laws and regulations "as not adapted to the uncivilized race of people called Santals." The district has its own agrarian system which is governed by Regulations III of 1872 and II of 1886, and a distinct judicial system which is governed by Regulation V of 1893. The Santals are a primitive people with a strong tribal organization, of which the village headman system is a leading feature. The remainder of the population includes, besides aboriginal races like the Male and Mal Paharia, a large proportion of semi-Hinduized aborigines and low class Hindus and the middle and higher Hindu castes account for only about 15 per cent. of the whole. There is a Bengali fringe of about 200 square miles on the east and south of the district where it adjoins Bengal, and there are numerous Bengali colonies in the west of the district where they have settled along the line of railway which crosses the healthly uplands of the Deoghar Subdivision. These maintain constant pressure for the removal of that subdivision from the Santal Parganas system of administration, which handicaps them in their dealings with the aboriginal population. The district consists largely of hilly country and uplands with fertile valleys interspersed. It is only half cultivated and of the uncultivated portion one-half consists of hill and forest land which is permanently unfit for cultivation.

Angul is a forfeit State situated in the midst of the tributary Mahals of Orissa. Attached to it is the Khond Subdivision of the Khondmals which lies still deeper in the hills and jungles of this tract. Both tracts are inhabited by wild and primitive people, and the higher Hindu castes represent only about 5 per cent. of the total population. The administration of the district has always proceeded on lines entirely distinct from that of regulation districts.

Chota Nagpur is part of the old 'Jarkhand' which prior to the British conquest was a land beyond the Hindu pale and but little touched even by contact with the Muhammadan Government. It consists mostly of hilly country, forest and upland. Its agrarian system has always been distinct from that of the rest of the province and is now governed by the Chota Nagpur Tenancy Act, 1908. Aboriginal and semi-aboriginal tribes, such as the Mundas, Oraons, Kharias, Hos, Santals, Bhumijs, and smaller tribes of even more backward races bulk largely in the population as will be seen from the district notes below, which are based on information contained in the District Gazetteers and the Census Reports.

Apart from its special tenancy legislation, Chota Nagpur has now been brought within the ordinary laws of the province and the ordinary system of administration; and unlike the Santal Parganas and Angul, it has returned its quota of members to the Legislative Council.

The special characteristics of the component districts are briefly as follows :—

(1) *Ranchi* is the most strongly aboriginal of the Chota Nagpur districts, the three principal tribes being the Uraons, who numbered in the 1911 census 388,768, the Mundas 343,721, and the Kharias, 42,567. It is the headquarters of three important Missions, the Anglican, the Belgian and the Lutheran which claim between them nearly 200,000 adherents, drawn almost entirely from the aboriginal population. The high caste Hindus and Muhammadans in the district who constitute only about 5 per cent. of the population are chiefly descendants, not always pure, of immigrants from Bihar, United Provinces, and Bengal who were introduced by the aboriginal, but now Hinduized, Raja and rewarded for their services by grants of land. The struggle between these aliens and the aboriginal population has been marked by at least four serious agrarian disturbances in the course of the century but has now been brought at least to a temporary close by the recent completion of the settlement record. Much of the district is still wild and uncultivated and nearly one-third of the whole area is covered with forest.

(2) *Palamau* is by far the least developed of the Chota Nagpur districts. The proportion of its population returned as Animistic at the last Census is small, but the aboriginal and semi-aboriginal population which is Hindu only in name is estimated to amount to about 300,000 of nearly 50 per cent. of the whole. The country is exceptionally wild and the subordination of the cultivators to the landlords is in many places absolute. The greater part of the district consists of broken hilly country, covered with jungle and intersected by narrow valleys. In the two small parganas to the north transferred to Chota Nagpur in 1871, the country approaches more closely to the South Bihar type. About one-eighth only of the total district area is under cultivation, and much of this is of the most primitive kind.

(3) *Hazaribagh* like Palamau has only a small section of its population returned in the census as Animistic but the so-called Hindus who account for our 90 per cent. of the total district population include such aboriginal and semi-aboriginal races as the Bhuiyas, (89,682) Bhogtas, (86,984), Turis (23,977), Kurmis (Not the Kurmis of Bihar—183,589) and Rajwar, (9,344), Bedeas (12,688), Chamars (48,503), Dosadhs (26,958), and even Santals (15,771 portion returned as Hindi), and it may confidently be asserted that at least one-half of the whole population is drawn from aboriginal sources. The district consists of the undulating uplands of the higher and lower plateaus interspersed with river valleys. Less than one-third of the whole is cultivated and nearly one-half is permanently unfit for cultivation. The settlement has just passed over the district and placed the relations of landlord and tenant on a more stable footing than has ever before existed, but the Settlement Officer considered that the raiyats of Hazaribagh were less self-reliant and require a greater degree of protection than even their neighbours in Ranchi; and so late as 1914 the subdivision of Chatra was created with the express object of protecting the cultivator from the oppression of their landlords.

The district of Hazaribagh includes on the east the very small but valuable Karharbari coalfieds in the Giridih Subdivision, and more extensive coal bearing areas in the Damodar valley, including the Bokaro and Ramgarh fields which may prove to be of outstanding importance. It also includes in the forest tract of Kodarma perhaps the most valuable mica producing area in the world. The existence of importance and rapidly developing industries in the middle of aboriginal and backward tracts is a feature which Hazaribagh possesses in common with the districts of Singhbhum and Manbhum, and which adds greatly to the complexity and responsibilities of district administration.

(4) *Singhbhum* consists of three entirely distinct parts :—

(*a*) The Kolhan, which is Government Estate peopled almost wholly by aboriginal Hos, who number about 250,000 and speak their own language Ho.

(*b*) Porahat, where the population is largely aboriginal (Ho and Munda and semi-Hinduized (Bhuiya) but is also intermixed with a number of Oriya and other immigrants. About three-fourths of the headmen are aborigines. Porahat was a Native State up till 1858, when it was sequestrated owing to the rebellion of the Raja, but it was only included in British India by Act II of 1893.

(*c*) Dhalbhum is a portion of the Bhumij country. This tribe is almost identical with the Mundas but though still very wild and untractable has adopted a veneer of Hinduism and speaks Bengali. Many Santals are now settled in the tract. Of its aboriginal headmen many have been supplanted by Bengali and Oriya immigrants from Midnapore and adjoining districts. Tata's Iron and Steel Works have been established at Sakchi in this area, which bids fair to become one of the most important industrial tracts in India within the next few years.

The first of these three tracts is in all respects comparable with the wilder parts of the Santal Parganas, and it has always been the policy of the Government to exclude from it aliens who would deprive the aborigines of their lands. The population of Porahat is very largely aboriginal and its internal economy is on much the same footing as that of the Kolhan. There would be good grounds for treating both in the same way as the Santal Parganas and Angul and in fact the question of deregulationizing the Kolhan was considered in the course of the pending settlement operations. The third tract Dhalbhum is more mixed and more advanced than the rest of the district.

The proportion of persons still returned as Animistic in Singhbhum is much higher than in any other district of Chota Nagpur, being well over one half. Of the rest of the population it may be said that at least a moiety is only slightly Hinduized. Cultivated lands amount to only one-third of the total area of the district and about one-fourth of the whole is covered by the reserved and protected forests of the Kolhan and Porahat.

(5) *Manbhum* is divided into two distinct areas, the Jharia coalfields of the Dhanbad subdivision which are the most important in India, and the rest of the district which is mainly inhabited by primitive races. The four strongest races or castes are the Kurmis (not the Bihar caste of that name), who numbered at the last Census 281,371, Santals who numbered 231,672, Bhumijs 115,992, and Bauris 105,859. These are all of aboriginal descent and although the Santal is the only one of the four who has preserved more or less completely the language and faith of his race, all are alike aboriginal in essentials. Between them they account for nearly one-half of the entire population; and there are other aboriginal races. Cultivation is more advanced in Manbhum than in any other district of the division, the present proportion being 60 per cent. of the whole area.

(6) *Sambalpur* is governed by the revenue laws of the Central Provinces from which it was taken over in 1905 and its administration preserves all the features of the Central Provinces system. A large portion of the district is covered with hill and forest and it is within this tract that the three scheduled zamindaris of Barasambar, Kolabira and Rampur lie. The population is mixed, and the element returned as Animistic accounts for only 5 per cent. of the whole but at least one-third of the population is purley aboriginal, while another large section consists of low castes that are outside the Hindu pale or only slightly Hinduized. One-fifth of the district is covered with reserved forest, and of the remainder little more than one-half is cultivated. The scheduled areas are mostly inhabited by aborigines whose cultivation is very backward.

6. These being the conditions of the problem the Lieutenant-Governor in Council has no hesitation in recommending that the Santal Parganas and Angul which are now outside the pale of the ordinary administration should be excluded altogether from the scope of the Reform Scheme and should continue to be administered by the Governor in Council. He does not suggest that they should be left under the personal control of the Governor, because he considers it desirable that the Governor, who may be unacquainted with Indian conditions, should have the benefit of the advice and experience of his two colleagues who will form the official part of the new executive Government. Neither the Legislative Council nor the Minister should have any authority over these two areas and their legislation should be conducted exclusively under the provisions of section 71 of the Government of India Act, the necessary modification being made in the Santal Parganas Settlement Regulation and the Angul Laws Regulation.

7. The problem is more difficult in the case of the scheduled districts of Chota Nagpur and Sambalpur. Both on account of the area involved, which forms a substantial proportion, of the whole province, and in view of their past history, their participation in the representation of the existing Council, and their subjection to the ordinary legislation and administration of the province, His Honour in Council is reluctant to exclude them altogether from the scope of the Reform Scheme, and he has therefore considered whether certain safeguards can be provided which would permit of their inclusion. One solution would be to place them in the category of reserved subjects, so that legislation affecting them could, at the option of the Governor, be subjected to the procedure of the Grand Committee through the device of certification, while their administration would rest with the Governor in Council in respect of all subjects. There would, however, be a double inconvenience in this. In the first place it might involve an excessive resort to the device of certification, which is intended to be an exceptional procedure. In the second place it would cause a great duplication of work, through the repetition of orders relating to subjects included within the ordinary scope of the transferred sphere. The Governor in Council would have to repeat for the scheduled tracts the same orders as might be issued by the Government and his Minister for the ordinary districts of the province.

A preferable solution would appear to be to make no hard and fast distinction between ordinary districts and the scheduled districts of Chota Nagpur and Sambalpur in respect either of legislation or of administration, but to confer authority by statute on the Governor in Council—

(1) to prescribe by notification the portions of the Scheduled districts, if any, to which any Act or portion of an act passed by the Legislative Council shall apply; and

(2) to decide to what portions of the Scheduled districts, if any, the jurisdiction of the Minister in respect of any of the transferred subjects or any portion of them shall extend, and when such jurisdiction has been extended, to exclude any portion of the Scheduled district from the application of any order passed by the Minister.

No. 389-A.—IV, dated the 21st November 1918.

From—The Hon'ble Mr. F. S. A. Slocock, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner, Central Provinces.

To—The Secretary to the Government of India, Home Department.

I am directed to refer to your telegram no 1324, dated the 3rd September 1918, in which a request was made for recommendations regarding the special treatment under the reforms scheme of backward areas in the Central Provinces. An answer to this reference has already been telegraphed on the 8th instant, and I am now to explain more fully the nature of the Chief Commissioner's proposal.

2. Paragraph 199 of the Report on Indian Constitutional Reforms contemplates that selected backward areas will be excluded from the jurisdiction of the reformed provincial Governments and administered by the Head of the Province. But such an arrangement would seem to be quite impracticable. For example, in a Government divided into reserved and transferred sections the minister would, it is assumed, have nothing to do with the administration of the transferred departments in the excluded areas, and every "transferred" department would be subject in these areas to the direct control of the Governor. Either the Governor would be compelled in the interests of uniformity to subordinate his individual policy in the excluded areas to that of the reformed administration in the rest of the Province, or else the departments concerned might find themselves compelled to give effect to different policies in the different areas. Similar difficulties would arise, though perhaps to a less degree, whatever shape the reformed administration might take. In fact, the suggestion in paragraph 199 appears to have been put forward with a very vague idea of what it really involved.

3. At the same time, it may be readily admitted that there are areas the inhabitants of which are at present unfit for the political franchise. Such are the areas in which the Local Self-Government Act has not yet been applied. If the people of these tracts have not yet been found fit or have not yet shown any desire to elect their local representatives on local bodies, it is obviously undesirable to force on them the privilege, which they do not desire or for which they are not ready, of electing a representative on the Provincial Legislative Council, of the very existence of which most of them have never heard. At the same time, as explained in the preceding paragraph, such areas must come into the new administrative scheme and might, where they are of sufficient importance, be represented in the new Legislative Council. Such representation should be, at the outset at any rate, by nomination by the Head of the Province. As the areas develop it will be a simple matter to form constituencies and allow them to elect their representatives in the Provincial Council or to amalgamate them with adjoining constituencies.

4. The areas to be thus treated will be:—

Firstly—All the scheduled districts of these Provinces listed in Part VI of the first schedule to the Scheduled Districts Act of 1874.

Secondly—The 12 zamindaries of Kanteli, Chandarpur, Padampur, Malkharoda, Bhatgoan, Bilaigarh-Kutgi, Parpoti, Khujji, Devri Suarmar, Narra and Kauria (all in the Chhattisgarh Division).

Thirdly—The Mandla district except the Mandla town).

Fourthly—The Sironcha Tahsil of the Chanda district, and

Fifthly—The Melghat taluq of the Amraoti district.

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Note by the Honourable Sir N. D. Beatson-Bell, Chief Commissioner of Assam, dated October 24, 1918.

* * * *

4. The first point for consideration is that raised in paragraphs 198-199 of the report, namely, whether it is wise to include the whole of Assam within the scope of any scheme of constitutional reform; and if not, what part should be included and what excluded. Much of course depends upon the nature of the scheme which may ultimately be standardised, but it may at once be granted that if in any province there are tracts which have hitherto been excluded from all constitutional experiments, and have hitherto been governed upon purely paternal principles, these tracts should either be excluded completely from the present scheme, or at least should be included subject to adequate safeguards and reservations. It has been suggested in paragraph 199 of the report that the "schedules" of the Scheduled Districts Act might form the criterion for exclusion from the scheme. I do not propose to apply this criterion to Assam, as the whole of the province has been "scheduled." Such a solution would mean that Assam, although nominally included in the scheme, was totally excluded, which is of course unthinkable. The component parts of the province must therefore be examined without reference to the Scheduled Districts Act. From such an examination we find at once that we are confronted with a problem of much difficulty and complexity. In shape and position Assam consists of an inverted triangle with its base along the north and its apex pointing south. Bengal lies on the west, Burma on the east, while along the north are Bhutias, Akahs, Daphlas, Miris, Abors, and Mishmis. The whole area of the province is about 77,500 square miles and the population at last census was about 7 millions. As might be expected, every diversity of race and language is found. Aryans, Mongolians and Dravidians are found in bewildering confusion. As many as 43 different languages are spoken in the province, and if we exclude those which are spoken by less than 10,000 people we have still 32 languages, each spoken by a large section of the inhabitants. Looked at from a political point of view, this province (like Gaul) is divided into three parts. The first part consists of :—

The Garo Hills,
The Khasi and Jaintia Hills,
The Mikir Hills (in Nowgong and Sibsagar),
The North Cachar Hills (in Cachar),
The Naga Hills, with outlying tracts,
The North-East Frontier Tract, in two parts,
The Native State of Manipur,
The Lushai Hills.

This part covers nearly two-thirds of the whole province—in other words 50,500 square miles out of 77,500. Its population is roughly one million, consisting of simple hill tribes governed in patriarchal fashion. With the exception of Shillong Municipality, which joins with some other municipalities in electing a member, this vast tract is entirely unrepresented in the present Legislative Council.

The second part of the province consists of the following districts lying along the river Brahmaputra :—

Goalpara,
Kamrup,
Darrang,
Nowgong (the remainder),
Sibsagar (the remainder),
Lakhimpur.

This part, known as the Assam Valley, covers about 20,000 square miles and has a population of about 3 millions. In this part the prevailing religious are Hinduism and Animism, and the prevailing language is Assamese. The Assam Valley elects four Indian members to the present Legislative Council, including one representative of the Muhammadan minority.

The third part of the province, separated from the second part by ranges of hills, consists of a small but densely populated tract known as the Surma Valley. The districts in this part are Sylhet and Cachar (Sadr and Hailakandi subdivisions). The area is much smaller than the Assam Valley, being only 7,000 square miles. The population is, however, practically the same, namely, 3 millions. The Muhammadans form a slight majority. The Surma Valley like the Assam Valley elects four Indian members to the present Legislative Council. Of these members, two are Hindus and two are Muhammadans. Of the latter, one represents the Local Boards, while the other represents the communal electorate.

In both Valleys there are numerous tea gardens. They cover an area of 2,000 square miles and give employment to half a million Indians. The Tea Industry has three representatives in the present Legislative Council.

5. The map* which I annex to this note gives a vivid picture of the province. The large area coloured red indicates the Hill tracts which are as yet unrepresented in the Legislative Council. The two smaller areas coloured while indicate respectively the Assam Valley and the Surma Valley which each elect four Indian members and between them, three British members. It will be readily admitted that owing to the peculiar conditions of this province much could have been said for treating Assam like Burma, in other words for postponing the operation of the

* Not printed.

new scheme until the experiment had been tested elsewhere. Much could also have been said for treating Assam somewhat on the lines of the North-West Frontier Province. For example, our Legislative Council (although enlarged and reformed) might have retained for the present its existing constitutional functions, while the only change in the executive administration might have been the association with the Chief Commissioner of an advisory council, constituted on a liberal basis. I have carefully considered both these proposals and have come to the conclusion that, whatever be their intrinsic merits, they are no longer within the sphere of practical politics. As Assam has been included in the Report along with the seven major provinces of India, Assam must stand or fall along with them. The future constitution of Assam must follow the general lines of the constitutions of the other seven provinces, although I hope I have already written enough to show that the constitution of Assam cannot be identical with those of its richer, more populous and more homogeneous neighbours. In particular, the existence of 50,000 square miles of patriarchal tracts constitutes a distinct problem which must be faced. How are we to treat the area coloured red? To frame electorates for this area and to include it in the general scheme is out of the question. It is true that the standard of education in the Khasi and Jantia Hills is comparatively high, but the people have as yet shown no desire for political union either with the Assam Valley or with the Surma Valley, and moreover a very large proportion of them are subjects of Indian chiefs (Siems). The inhabitants of other Hill tracts are obviously unsuited for full inclusion in the scheme. On the other hand, there are cogent arguments against complete exclusion of the "red" tract. In the first place the present Legislative Council has power to legislate for the "red" tract and has, to a limited extent, exercised that power. There is no real danger in the existence of this legislative power. It is laid down in section 14 of the Assam General Clauses Act, 1915, that "unless and until extended under the Scheduled Districts Act, or otherwise, no Act of the Assam Council, in the absence of special provisions to the contrary, shall come into force" in the Hill tracts. An additional safeguard exists in Regulation 2 of 1880 which empowers the Chief Commissioner, with the previous sanction of the Governor-General in Council, to direct that any enactment in force in the Hill tracts "shall cease to be in force therein." So far as a legislation is concerned there is therefore no real danger if the new Legislative Council, like the present Legislative Council, has nominal power to make laws for the Hill tracts. On the other hand, it makes for simplicity that the Legislative Council should have such power. There is, however, a more practical point. It will be seen from the accompanying table* that the hills are, to a considerable extent, financed from the plains. If the hills are to be altogether excluded from the new scheme it will be necessary to arrange that the plains are to pay an annual tribute towards the administration of the hills, just as they are to pay an annual tribute to the Government of India. There are obvious practical objections to such a system. Moreover, if the plains are to supply funds for the administration of the hills it is equitable that the representatives of the plains should not be deprived of all voice in the spending of their money. At present the representatives of the plains can and do ask questions regarding the administration of the hills. They can and do discuss expenditure in the hills on the occasion of the budget debate. To deprive them of these privileges would be a step which it would be hard to justify. Seeing, then, that it is not proposed to make over to the portfolio of a "minister" any matter connected with the hills, and that, whatever may be said in debate or embodied in resolution, the Governor in the future administration will be able to ensure that the hills are sympathetically administered and adequately financed, I have come to the conclusion that the whole of the province as at present constituted can safely be placed under the new administration of a "Governor in Council."

* Appendix I to this note.

APPENDIX I.

Statement of income and expenditure of the Hill Districts in Assam for the year 1917-18.

Name of district.	Receipts.	Total expenditure.	Deduct.		Net expenditure.
			Secretariat and Heads of Departments.	Assam Rifles.	
1	2	3	4	5	6
	Rs.	Rs.	Rs.	Rs.	Rs.
Garo Hills	2,25,094	2,46,723	...	...	2,46,723
Khasi and Jaintia Hills... ...	3,53,858	24,50,651	14,27,108	...	10,23,543
Lushai Hills	1,05,494	6,38,366	...	3,83,488	2,54,878
Naga ,, ...	1,19,669	5,97,572	...	2,86,724	3,10,848
North-East Frontier	58,369	7,85,957	...	3,01,927	4,84,030

APPENDIX II.

Summary of the replies received from local Governments in respect of paragraph 199 of Report.

Province.	Backward areas for which special treatment is suggested.
1. Madras	*I.—Agency Tracts in the Ganjam, Vizagapatam and Godavari districts—* These are occupied by ignorant jungle tribes, who are best governed under the existing simple system of rules and will gradually come under the jurisdiction of the reformed provincial government at the revision of the limits of the Agency Tracts, which takes place periodically. *II.—The Laccadive Islands, including Minicoy and the Aminidivi Islands attached to South Kanara district—* These are also occupied by primitive people, the administration being of a patriarchal character under an officer styled "Monegar."
2. Bombay . . .	*Nil.*
3. Bengal . . .	*I.—Chittagong Hill Tracts –* The people of this hilly tract are primitive and are accorded special treatment under section 71 of the Government of India Act, 1915. *II.—Darjeeling—* There are three reasons which justify the exclusion of Darjeeling from the Reforms Scheme :— 1. It is entirely a hilly district and its population have no affinity whatever with Bengal. 2. The local officers, leading associations and the hillmen themselves demand special treatment. 3. It occupies a strategic position on the frontier.
4. United Provinces	*Nil.*
5. The Punjab . .	*Lahaul and Spiti in the Kangra district—* These two tracts are occupied by primitive people and are snow-bound for six months in the year.
6. Bihar and Orissa .	*I.—Santal Parganas and Angul—* The people of these two districts are mostly uncivilised and primitive and are governed under special laws or on lines quite distinct from that of regulation districts. *II.—Scheduled districts of Chota Nagpur and Sambalpur—* (*Vide* paragraphs 6 and 7 of the Bihar and Orissa letter.)

Province.	Backward areas for which special treatment is suggested.
7. Central Provinces	*Firstly.*—All the scheduled districts of these provinces listed in Part VI of the first schedule to the Scheduled Districts Act of 1874; *Secondly.*—The 12 zamindaries of Kanteli, Chandarpur, Padampur, Maikharoda, Bhatgaon, Bilaigarh-Katgi, Parpori, Khujji, Deori, Suarmar, Narra and Kauria (all in the Chhattisgarh Division); *Thirdly.*—The Mandla district (except the Mandla Town); *Fourthly.*—The Sironcha tahsil of the Chanda district; and *Fifthly.*—The Melghat taluq of the Amraoti district. (*Vide* paragraphs 2 and 3 of the Central Provinces letter.)
8. Assam . . .	*Nil*, but *vide* paragraph 5 of Chief Commissioner's minute.

APPENDIX III.

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICT IN ASSAM.

Khasi and Jaintia Hills.

Receipts.	Rs.	Rs.
I. Land Revenue		64,085
II. Opium		14,810
IV. Stamps		9,743
V. Excise		78,743
VIIIA. Income-tax Recoveries by Government from salaries	31,657	
Ordinary collections, etc.	10,960	
	42,617	42,617
IX. Forest		48,029
X. Registration		603
XI. Tributes (Ramrai)		100
XII. Interest		92
XVIA. Law and Justice—		
Courts of Law		4,323
XVIB. Law and Justice—		
Jails		6,782
XVII. Police Miscellaneous receipts	1,719	
Cost of "Audry."	67,330	
	69,049	69,049
XIX. Education		24,787
XXA. Medical		1,613
XXB. Sanitation		3,180
XXA. Agriculture		5,438
XXB. Scientific and Miscellaneous Departments—		
Fees for registering Joint Stock Companies	2,682	
Births, deaths registration fees	170	
	2,852	2,852
Carried over		3,77,746

Expenditure.	Rs.	Rs.
1. Refunds and drawback		492
2. Assignments		1,500
3. Land Revenue—		
Drawing office	74,000	
Other establishment	70,067	
	1,44,067	1,44,067
6 Stamps		362
7. Excise		1,807
11. Forest (excluding Conservators' Office)		23,213
12. Registration		346
18. General Administration		6,18,873
19A. Law and Justice—		
Courts of Law—Legal Remembrancers' Office	25,000	
Other establishments	13,388	
	38,388	38,388
19B. Law and Justice—Jails		15,631
20. Police—		
Inspector General of Police's Office	75,839	
Criminal Investigation Department	74,000	
Railway Police	12,000	
Passage warrants	8,700	
Civil Police	72,459	
	2,42,998	2,42,998
21. Ports and Pilotage		3,600
22. Education—		
Director of Public Instruction's office	49,411	
Inspectress's office	37,000	
Public Library	1,399	
Other establishments	1,29,507	
	2,15,317	2,15,317
23. Ecclesiastical		12,722
24B. Sanitation—Sanitary Commissioner's office	26,850	
Pasteur Institute	30,835	
Bacteriological Laboratory	4,718	
Animal vaccination	7,865	
Kala-azar operations	12,020	
Other establishments	4,969	
	86,257	86,257
Carried over		14,05,773

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS IN ASSAM—*contd.*

Khasi and Jaintia Hills—contd.

Receipts.			Expenditure.		
	Rs.	Rs.		Rs.	Rs.
Brought forward		3,77,746	Brought forward		14,05,773
XX. Receipts in aid of superannuation		8,370	24A. Medical—Inspector General of Civil Hospitals' office	62,608	
XXIII. Stationery and Printing		2,936	Other establishments	53,879	
XXV. Miscellaneous percentage charges of capital cost of furniture	1,950			116,487	1,16,487
Miscellaneous receipts	502		25. Political		2,712
	2,452	2,452	26A. Agriculture—Deputy Director's establishments	15,000	
XXXI. Civil Works—Rent of buildings occupied by local officers	2,767		Other establishments	38,556	
XXXI. Ditto by other than local officers	24,013			53,556	53,556
Sale of stores, etc.	2,904		21B. Scientific and Miscellaneous Department—Contribution to Lady Dufferin Fund	5,200	
	29,684	29,684	26B. Ditto—I. T. A.	12,000	
Total Receipts		4,21,188	Miscellaneous	6,119	
				23,319	23,319
Deduct as Provincial—			27. Territorial and political pensions		100
XVII. Police—Cost of "Audry"	67,330		29. Superannuation		56,488
XXIB. Scientific and Miscellaneous Department—Fees for registering Joint Stock Companies	2,682		30. Stationery and Printing Press	99,883	
XXIII. Stationery and printing press receipts	2,936		Miscellaneous	112	
XXV. Miscellaneous percentage charges	1,950			99,995	99,995
XXI. Civil Works—Rent of buildings	24,013		32. Miscellaneous Subscriptions for News Agency telegrams	5,400	
Out of Rs. 31,657 recovered by Government as Income-tax from salaries a sum of Rs. 29,029 approximately represents recoveries from the Secretariat and other Heads of Departments.			Subsidy to Motor Company	74,000	
VIIIA. Income-tax recoveries from provincial officers approximately (not deducted in figures previously supplied)	29,000	1,27,911	Secretariat hill establishment	3,144	
			Miscellaneous	33,220	
Net Receipts		2,93,277		1,15,764	1,15,764
			45. Civil Works—In charge of civil officers		12,173
			45. Civil Works—In charge of Public Works Officers, Public Works Secretariat	136,876	
			Repairs to Government House	29,619	
			Repairs to buildings—		
			Secretariat and Heads of Departments	10,740	
			Total carried over		18,92,367

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS IN ASSAM—*contd.*

Khasi and Jaintia Hills—concld.

	Expenditure.	
	Rs.	Rs.
Brought forward .		18,92,367
Repairs to residence—		
Conservator's .	598	
Chief Secretary's .	998	
Beauchamp property .	1,657	
Chief Engineer's house .	30,000	
Taraghar .	676	
Nest .	535	
Falls view .	487	
Construction of stop gates on the Gauhati-Shillong road .	680	
Alterations to water-works .	8,734	
Gauhati-Shillong road repairs, etc. .	1,45,000	
Cherra-Shillong road .	42,220	
Other Public Works charges .	1,48,866	
		5,58,284
	5,58,284	
Total Expenditure .		24,50,651
Deduct as Provincial—		
1- General Administration .		6,18,873
Director of Public Instruction .		49,411
Inspectress .		37,000
Public library .		1,399
Inspector General of Police .		75,889
Criminal Investigation Department .		74,000
Railway Police .		12,000
Passage warrants .		8,700
Legal Remembrancer's Office .		25,000
Drawing Office .		74,000
Sanitary Commissioner .		26,850
Pasteur Institute .		30,885
Bacteriological Laboratory .		4,718
Kala-azar Operations .		12,020
Animal vaccination .		7,865
Inspector General of Civil Hospitals' Office .		62,608
Deputy Director .		15,000
Press .		99,883
Contributions—		
Under Scientific .		17,200
Subsidy to Motor office .		74,000
Subscription for News Agency telegrams .		5,400
Secretariat Hill establishment .		3,144
Provincial Public Works expenditure		4,09,418
		17,44,663
Ports and pilotage not deducted in figures previously supplied	3,600	
		17,48,263
	17,48,263	
Net Expenditure .		7,02,388

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS IN ASSAM—*contd.*

Garo Hills.

Receipts.	Rs.	Rs.
I.—Land Revenue—		
Permanently-settled estates	6	
Collection from Government estates	27,052	
Rents, etc., of fisheries	1,296	
House-tax	56,423	
Miscellaneous	34	
	85,511	85,511
IV.—Stamps		4,248
V.—Excise		2,930
VIII A.—Income-tax		3,487
IX.—Forest		1,17,698
X.—Registration		54
XII.—Interest		242
XVIA.—Law and Justice—Courts of Law (Magisterial Fines 2,506)		2,888
XVIB.—Law and Justice—Jails		179
XVII.—Police—Cattle pound receipts		1,756
XIX.—Education		77
XX.—Medical		3,859
XXB.—Sanitation		
XXII.—Receipts in aid of superannuation		1,150
XXIII.—Stationery and Printing		13
XXV.—Miscellaneous		12
XXXI.—Civil Works—Incharge of Civil Officers		1,826
Public Works receipts		1,628
Total		2,25,265
Figure previously reported—Difference of Rs. 171 in figure previously reported due to a mistake in total under XXB—Sanitation, in the Comptroller's office		171

Expenditure.	Rs.	Rs.
2. Assignments and compensation (Ghuka Zemindar in Goalpara)		2,102
3. Land Revenue		53,627
6. Stamps		67
11. Forest		50
12. Registration		
18. General Administration—Pay of Local Auditors		190
19A.—Law and Justice—Courts of Law		833
19B.—Law and Justice—Jails		2,490
20. Police—Civil Police		16,512
22. Education		24,221
24A.—Medical		16,852
24B.—Sanitation		1,522
25. Political presents to hill tribes		1,190
26A.—Agriculture		436
26B.—Scientific and Miscellaneous Departments—Rewards for destruction of fish enemies		519
29. Superannuation		4,167
30. Stationery and Printing		35
32. Miscellaneous—		
Rewards for destruction of wild animals	1,593	
Market establishment	1,140	
	2,733	2,733
45. Civil Works—In charge of Public Works Officers		42,196
Total		2,46,723

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS IN ASSAM—*contd.*

Lushai Hills.

Receipts.

	Rs.	Rs.
I. Land Revenue—		
Temporarily-settled estates in the Surma Valley .	535	
Rents, etc., of fisheries .	60	
Poll, capitation, house and hoe tax . .	25,970	
	26,565	26,565
IV. Stamps—.		
Sale of general stamps .	37	
„ of court-fee stamps .	295	
„ of plain paper .	2	
	334	334
VIIIA. Income-tax—		
Deductions by Government from salaries . .		3,485
IX. Forest—		
Forest receipts . .		76,578
XII. Interest—		
On Advances under the Agriculturists' Loans Act .		8,149
XVIA. Law and Justice—		
Court fees realised in cash .	27	
Magisterial fines . .	199	
Criminal court forfeitures .	50	
	276	276
XVIB. Law and Jusitice—		
Jails . . .		39
XVII. Police—		
Recoveries on account of rations . .	46,681	
„ „ of clothing .	8,672	
Sale of old stores and materials. .	73	
	55,426	55,426
Total carried over .		1,70,852

Expenditure.

	Rs.	Rs.
1. Refunds and drawback .		1
3. Land Revenue—Charges of District Administration .		57,888
6. Stamps . .		1
11. Forest . .		2,763
19A. Law and Justice—Courts of law . .		1
19B. Law and Justice—Jails .		2,683
20. Police—Civil Police .	33,387	
Military Police .	3,83,488	
		4,16,875
	4,16,875	
22. Education . .		10,513
24A. Medical . .		29,357
94B. Sanitation . .		1,164
25. Political . .		1,505
26. Agriculture . .		2,576
26. Scientific and Miscellaneous Departments . .		311
29. Superannuation . .		7,444
30. Stationery and Printing—		
Country stationery for military police . .		137
32. Miscellaneous—		
Rewards for destruction of wild animals .	1,511	
Petty establishments .	264	
Coolie corps . .	15,075	
		16,850
	16,850	
45. Civil Works—In charge of Civil Officers . .		163
45. Civil Works—In charge of Public Works Officers .		84,788
Total .		6,35,020
Total Expenditure .		6,35,020
Deduct as Provincial Military Police .		3,83,625
Net Expenditure .		2,51,395

Difference of Rs. 3,483 in net expenditure from figure previously reported due to corrections.

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS IN ASSAM—*contd.*

Lushai Hills—concld.

Receipts.	Rs.	Expenditure.	Rs.
Brought forward .	1,70,852		
XA. Medical—Contributions . .	1,703		
XXB. Sanitation—Sale of quinine .	1,255		
XXIA. Agriculture—Veterinary receipts .	901		
XXII. Receipts in aid of superannuation .	1,483		
XXIII. Stationery and Printing—Sale of service books. . . .	2		
XXV. Miscellaneous—Miscellaneous .	247		
XXXI. Civil Works—In charge of Civil Officers—Rent of buildings . .	3,093		
Public Works receipts—Rent of buildings and sale of stores, etc. . .	622		
Adjusted through exchage accounts .	336		
Total .	1,80,494		
Deduct as provincial recoveries on account of rations and clothing from the Military Police (not deducted in figures previously supplied) . . .	42,272		
Net receipts	1,38,222		

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS IN ASSAM—*contd.*

Naga Hills.

Receipts.			Rs.
I.	Land Revenue—		
	Mineral oil		112
	Temporarily-settled estates		20
	House-tax		80,104
	Miscellaneous		336
			80,572
IV.	Stamps		2,053
V.	Excise		8,156
VIIIA.	Income-tax		5,258
XII.	Interest		25
XVIA.	Law and Justice—		
	Courts of Law		375
XVIB.	Law and Justice—		
	Jails		300
XVIII.	Police—		
	Recoveries on account of clothing		10,877
	Other items		1,034
			11,911
XIX.	Education		1,455
XXA.	Medical		...
XXB.	Sanitation		2,421
XXII.	Receipts in aid of superannuation		436
XXIII.	Stationery and Printing		32
XXV.	Miscellaneous		517
XXXI.	Civil works		2,945
	Public Works Receipts		2,233
			1,19,689
Deduct recoveries on account of clothing from Military Police (not deducted figures previously supplied)			10,877
	Net Receipts		1,08,812

Expenditure			Rs.	Rs.
3.	Land Revenue			54,818
7.	Excise			13
19A.	Law and Justice—			
	Courts of Law			112
19B.	Law and Justice—Jails			4,057
20.	Police—			
	Civil Police		23,123	
	Kuki operations		11,152	
	Military Police		2,75,572	
				3,09,847
			3,09,847	
22.	Education			13,476
24A.	Medical			29,619
24B.	Sanitation			1,446
25.	Political—			
	Entertainment of Chiefs and envoys		2,096	
	Unusual Charges		1,000	
	Other Political Agencies		5,915	
				9,011
			9,011	
26A.	Agriculture			3,917
26B.	Scientific and Miscellaneous Departments			22
29.	Superannuation			8,928
30.	Stationery and Printing			228
32.	Miscellaneous			3,770
45.	Civil Works—In charge of Civil Officers			2,577
45.	Civil Works—In charge of Public Works officers			1,56,231
				5,97,572
Deduct as Provincial—				
	Military Police		2,75,572	
	Kuki operations		11,152	
	Manipur-Dimapur road		1,56,231	
				4,42,955
			4,42,955	
	Net Expenditure			1,54,617

ANALYSIS OF THE REVENUE AND EXPENDITURE OF THE HILL DISTRICTS IN ASSAM—*concld.*

North-East Frontier.

Receipts.	Rs.
IX—Forest	56,605
XVII.—Police recoveries on account of clothing from Military Police .	6,158
Public Works Receipts . .	1,764
	52,527
Deduct Military Police . .	6,158
Net Receipts .	58,369

Expenditure.	Rs.	Rs.
11. Forest . . .		17,087
25. Political . . .		4,70,187
Public Works . .		2,98,683
		7,85,957
Military Police . . .		3,01,927
		4,84,030
Deduct—		
Military Police lines .	46,525	
Lohit Valley road .	94,759	
	1,41,284	1,41,284
Net Expenditure . .		3,42,746

A. W. BOTHAM,

Second Secretary to the Chief Commissioner of Assam.

APPENDIX IV.

No. 356-W., dated Shillong, the 12th March 1919.

From—The Hon'ble Mr. J. E Webster, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Home Department.

I am directed to submit, for the orders of the Government of India, a memorial from certain zamindars of the district of Goalpara, in Assam, praying for their transfer to Bengal.

2. The statements in paragraphs 1-10 of the memorial are substantially correct. As regards paragraphs 11-15, it is correct that down to the year 1914, Bengali was the court-language of the district and was taught as the vernacular in its schools. In that year, as the result of a resolution passed by the Goalpara Local Board that Assamese should be introduced in the primary schools in the Habraghat Pergana, an enquiry was made to ascertain what really was the vernacular of the district. It appeared that neither pure Assamese as spoken in Central and Upper Assam, nor Bengali as spoken in Nadia, was the vernacular of the district. It was found that in the Eastern part of the district most of the people spoke a form of Assamese similar to that spoken in the adjoining district of Kamrup, while in the western portions of the district the dialect in common use was more closely akin to the Rajbansi dialect of northern Bengal. The Chief Commissioner, after careful consideration, decided that the medium of instruction in all schools throughout the district should be either Assamese or Bengali, at the option of the majority of the persons interested in each case; he also made Assamese an alternative court language with Bengali.

3. As regards paragraph 16 of the memorial, it is true that historically and ethnologically Goalpara differs considerably from the rest of Assam, but the following incident shows that the people of the district are not all prepared to admit that in race and customs they are identical with the inhabitants of Cooch Behar and the adjoining Bengal districts. At a meeting of the Goalpara Association, held at Gauripur, in the Goalpara district, on the 15th December last, a resolution was moved "That this Association recommends that the following resolution be moved in the Assam Association Conference at Goalpara—"that the district of Goalpara being mainly identical in race, in social customs, and the system of land laws, with Rangpur, Jalpaiguri and Cooch Behar, this Association is of opinion that the district of Goalpara be placed under the same laws and administration with the districts of Rangpur and Jalpaipuri." The resolution was opposed, and was carried eventually after omitting the words "race" and "social customs." Soon afterwards a meeting of the Assam Association was held at Goalpara on the 28th December 1918. At this meeting the following resolution was moved:—"This conference records its emphatic protest against the movement for the transfer of Goalpara and Sylhet to Bengal, and the bulk of Golapara's opinion also is decidedly against it." The resolution was opposed, and gave rise to a very heated debate, but in the end it was carried by a large majority.

4. It does not appear that since 1874, when the district of Goalpara was included in the newly formed Chief Commissionership of Assam, there has been such a change of conditions as to require a reconsideration of the decision then come to, and Sir Nicholas Beatson Bell does not think that either the zamindars or their tenants would be in any way benefited by the inclusion of Goalpara in the province of Bengal.

5. Finally I am to say that in dealing with this petition the Chief Commissioner has had regard to the opinion expressed in paragraph 246 of the Report on Indian Constitutional Reform. Judged by the criterion laid down in the Report this petition is altogether inopportune. Moreover, unless a complete change takes place in local opinion after the introduction of the new constitution it is impossible to contemplate the transfer of Goalpara to Bengal by any "process of consent." As things now are, the proposed transfer is extremely distasteful to a large section, probably to the majority, of the people of the district immediately concerned; while the people of other districts of the Assam Valley unanimously resent it with a vehemence which is almost startling. Sir Nicholas Beatson Bell has no reason to think that the opposition to the proposal will die down after the introduction of Council Government into Assam. On the contrary there is every reason for thinking that the opposition will harden.

To

His Excellency the Right Hon'ble Frederic John Napier, Baron Chelmsford P.C., G.M.S.I., G.M.I.E., G.C.M.G., G.C.B.E., Viceroy and Governor-General of India.

(Through the Hon'ble Sir Nicholas Dodd Beatson Bell, K. C. I. E., C. S. I., Chief Commissioner of Assam.)

The humble memorial of the undersigned zemindars of Goalpara in Assam.

Most respectfully sheweth:—

That we, the zamindars in the District of Goalpara in Assam crave leave to place before Your Excellency certain facts in connection with the past history, the present position and the

probable effect of the proposed Reform Scheme on our vital interests, with the hope that Your Excellency may be graciously pleased to consider the points now raised, before the adoption of the Reform proposals in Assam and Bengal.

Before dealing with them however we respectfully beg to express our unswerving loyalty and devotion to the person and throne of His Majesty the King-Emperor and His Government and to assure Your Excellency how proud we feel for the most glorious part taken by the British Empire in achieving the present unprecedented victory. We in India have all the more reason to be grateful to our beloved King-Emperor firstly for the protection afforded to us during the War which indeed has affected as comparatively little; for having graciously permitted us—Indians—for the first time in our history to take part in active service with His Majesty's Imperial Forces in Europe and for the inauguration of the epoch making Reform proposals in India even during the most anxious time when the whole attention of His Majesty's Government was necessarily devoted to the War. We did what little lay in our power during the War, and our best services in every direction are ever ready for the cause of His Imperial Majesty. We feel that although hostilities have ceased, and deliberations for a lasting peace have but just commenced, and the time is hardly opportune for us to tax Your Excellency with a prayer for a consideration of our grievances, yet our only excuse for thus thrusting the matter on Your Excellency's attention at the present moment is that the consideration of details in connection with the Reform Scheme has not been delayed in view of the momentous questions before Government and should we hesitate to submit our prayers now, we fear we might be too late in the field and judgment might then go by default.

1. Your Memorialists venture to draw Your Excellency's attention to the fact that the Permanently Settled portion of the District of Goalpara comprising an area of about 2,900 square miles formed always, as far back as its history can be traced, part and parcel of the Province of Bengal.

2. That in the year 1765, with the accession to the Hon'ble the East India Company of the Dewani of Bengal, Bihar and Orissa, the said area, as part of the District of Rangpur in Bengal, came under the administration of the Hon'ble the East India Company.

3. That in the year 1793, the said area, as part of the Bengal District of Rangpur, came under the purview of the Permanent Settlement of Lord Cornwallis.

4. That in the year 1822, a new and separate District was formed of the said area and it received the name of Goalpara.

5. That in the year 1865, after the Bhutan War, an area of about 1,600 square miles was added to the District of Goalpara. This addition being made after the Permament Settlement, did not come under its purview and is liable to periodical settlement.

6. That in the year 1874, with the creation of Assam into a separate administration, the District of Goalpara was transferred from the Province of Bengal to the Province of Assam. This measure was then opposed by the ancestors and predecessors-in-title of your Memorialists.

7. That the permanently settled District of Goalpara, till its transference to Assam had always been subject to the same legislative enactments as the rest of Bengal.

8. That, for ten years after its severance from Bengal, the permanently-settled portion of the District of Goalpara enjoyed in the main the benefit of the same legislative enactments as the District of Bengal.

9. That in the year 1885 when the Bengal Tenancy Act introduced considerable improvements in the land tenure of the Province of Bengal, the District of Goalpara, by reason of its incorporation with Assam, was deprived of the benefit of that enactment.

10. That the Bengal Council Act VIII of 1869 is still left to regulate the land tenure of the permanently-settled portion of the District of Goalpara.

11. That the people of Goalpara, with a small exception, speak the Bengali language and their manners and customs are the same with those of the people of Northern Bengal.

12. That according to the Census figures of 1911, the population of the District is returned at 600,643 souls of which 347,772 persons speak the Bengali Language, and Assamese is the language of 85,329 persons only.

13. That the predominant written language of the District is Bengali—being used not only by the Bengali speaking population numbering 347,772 persons as aforesaid but also by the Mech people who number 92,636 souls, so that, out of a total population of 600,643 persons 440, 408 persons use the Bengali language.

14. That Your Memorialists are of opinion that, since the last Census Report, there has been an increase of not less than a lakh and a quarter in the Bengali speaking population due to immigration from the adjoining Bengal Districts, with a result as Your Memorialists venture to submit that the preponderance of the Bengali speaking population of the District has been further accentuated.

15. That Bengali has always been the Court and the School language of the District, and it is only since 1914, that Assamese has been introduced as an alternative language.

16. That as regards history, tradition, social and religious custom and folk music, the people of the District of Goalpara have very little in common with the people of the other Districts in Assam.

17. That the rights created in the permanently settled area of the District of Goalpara are similar in their nature and incidents to those in the Bengal Districts, and, as such, call for similar legislative treatment and development.

18. That your Memorialists venture to draw your Excellency's attention to some other grievances, affecting your Memorialists specially, arising out of the severance of the District from Bengal and its inclusion in the Assamese-speaking Khas Mahal (temporarily settled) province of Assam.

(*a*) Encroachment on rights conferred by the permanent Settlement of 1793, *viz.*, the imposition of Local rate by the Assam Local Rate Regulation, III of 1879, as an assessment on land, in contradistinction to the Road Cess in Bengal which is leviable on the collections.

(*b*) Loss of the distinctive character and status of your Memorialists as "proprietors of the soil" by their inclusion in the same general electorate with the lease-holders of the Government Khas Mahal tracts.

(*c*) The partial isolation at present of your Memorialists from the rest of their class in Bengal resulting in loss of their prestige, and generally retarding their progress.

(*d*) Apprehension that, in the future, this isolation will be more pronounced and complete. This is justified by the proposed Tenancy Legislation in which the Provincial Government contemplates treating your Memorialists as a class distinct from the permanently settled zemindars of Bengal, of whom, your Memorialists, do, in fact, form an integral part.

(*e*) Numerical inferiority of your Memorialists in the Province,—comprising the members of six families only,—due to isolation from Bengal zamindars, which has reduced to a minimum the chances of their securing an adequate representation of their special interests in the Provincial Legislative Council. Though they represent the largest class interests in the Province, Your Memorialists have not been able to send one of their number to the Provincial Legislative Council through any of the general electorates. For representation of their interests in the Council, your Memorialists have always had to depend on nomination by the Government.

(*f*) Insecurity of representation by nomination—your Memorialists venture to point out the proposal, in his Note on the Introduction of Reforms in Assam, by the Hon'ble the Chief Commissioner, to nominate a member occasionally from among your Memorialists only when an important Bill connected with the District is going to be discussed in the Council.

(*g*) The inadequacy of the remedy by the provision for a special electorate for your Memorialists—This will not afford adequate relief unless provision be made for the election of such a large number from their class as will make their presence felt in the Council.

(*h*) Apprehended danger to the special rights and privileges conferred on Your Memorialists by the Permanent Settlement of 1793—This is due to the fact that the subject of Land Taxation is proposed to be transferred to the jurisdiction of the Provincial Legislative Council, the bulk of the members of which being elected from areas liable to periodical settlement, will not, Your Memorialists are afraid, be friendly towards interests created by the Permanent Settlement of 1793. Your Memorialists are afraid that in that case, they will, in time, be merged with the lease-holders of the Khas Mahal tracts, who constitute a majority in the Province of Assam.

19. That your Memorialists venture to submit that, for the due preservation of the rights and interests conferred on Your Memorialists by the Permanent Settlement of 1793, as also of the derivative rights of the tenantry, the re-incorporation of the District of Goalpara with Bengal is essential.

20. That your humble Memorialists further venture to submit that on occasions when boons are conferred or administrative reforms take place special communities naturally hope for the redress of their grievances. They had hailed the present epoch making Reform proposals with joy along with all other Indians. They had hoped that their grievances would receive the special consideration which they venture to think they deserve. The Hon'ble the Chief Commissioner's note, the expressed opinion of the special conference of the Assam Legislative Council and the refusal of the Franchise Committee to give them a hearing

have cast a gloom over the minds of these few unfortunate ancient families of zemindars. They are painfully thinking of the day when amid the general rejoicing of the whole of India they must reconcile themselves with a sigh to the lot which would be in store for them if their grievances are not redressed in time.

Your Excellency's humble Memorialists respectfully prey that the Goalpara zemindars may be re-united to the great body of zemindars of Bengal to which they belonged for a considerable period of time. The prayer is based on a community of feeling arising out of past history, traditions, ties, language, religions and land tenure—all these being substantially similar to those governing the zemindars and people in the adjoining districts of Jalpaiguri, Rangpur, Cooch-Behar and portions of Dinajpur and Bogra in all of which there is reciprocal sympathetic feeling Whereas in Assam the Goalpara zemindars are isolated in a corner and have nothing in common with the rest of the people in the Assam Valley Division.

And Your Excellency's humble Memorialists, as in duty bound, shall ever pray

We subscribe ourselves as

Your Excellency's most obedient servants

PRABHAT CHANDRA BARMA, of Gauripur and others.

No. 709-W., dated Shillong, the 20th May 1919.

From—The Hon'ble Mr. J. E. Webster, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner of Assam,

To—The Secretary to the Government of India, Home Department.

In continuation of this office letter No. 356-W., dated the 12th March 1919, I am directed to submit for the orders of the Government of India, a memorial from Babu Hari Prasad Nath and 505 other persons of the District of Goalpara protesting against the prayer of certain zemindars of that District for its transfer to Bengal and to say that the Chief Commissioner has nothing further to add to the remarks contained in my letter quoted above.

To

His Excellency the Right Honourable Frederic John Napier, Baron Chelmsford, P.C., G.M.S.I., G.C.M.G., G.M.I.E., Viceroy and Governor-General of India.

(Through the Honourable the Chief Commissioner of Assam, and the Commissioner of Assam Valley District.)

The humble memorial of the people of the District of Goalpara in the Province of Assam most humbly and respectfully sheweth :—

1. That Your Excellency's most humble Memorialists, the inhabitants of the District of Goalpara, beg most humbly and respectfully to lay before Your Excellency the following few lines with the earnest hope that they will meet with your Excellency's favourable consideration.

2. That having learnt with much concern that an agitation has been set on foot in this district by some designing persons for the transfer of this District to Bengal, and that some zemindars of this District have also memorialised Your Excellency with the same object our Excellency's humble Memorialists beg most respectfully to put forward their most emphatic protest against such groundless and suicidal proposal.

3. That in support of their protest Your Excellency's humble Memorialists beg most respectfully to submit that not only the District of Goalpara which was and still is a part of Assam but also the Districts of Jalpaiguri, Kooch Behar and Rangpur formed part of the ancient Kingdom of Kamrup for many centuries ; that though the Districts of Koch Behar, Rangpur and Jalpaigpuri were separated from the Northern Kingdom of Assam under the Koch Kings, Goalpara remained a part and parcel of Assam as the Eastern Koch Kingdom and was later turned into a permanently settled District along with the Districts of Bengal ; that it is needless to mention that the present zemindaries in the District of Goalpara are but the off-shoots of the said Eastern Kingdom. That for the past half a century or more, Goalpara has been treated and governed as a part of the Province of Assam.

4. That the indigenous people of this District are Assamese and have nothing in common with the Bengalis, either in religion, language, caste system or in social manners and customs ; that any expert and impartial philologist will admit that the language spoken by the people of the Goalpara District is just like that spoken by the people of Lower Kamrup which is admittedly a part of Assam proper, that the social graduations and caste system in the District of Goalpara are just like those in the other Districts of the Brahmaputra Valley and quite different from those in Bengal.

5. That although Bengali was forced upon the District of Goalpara as Court language and medium of Vernacular instruction for a fairly long period on a misrepresentation of facts by the ill-informed Bengali officers of the Government it did not agree with the people being quite an alien tongue and that they after a hard struggle against a strong opposition put up by the Bengalis serving in the District have got their mother language Assamese introduced in Courts and Schools.

6. That so long as this District was attached to Bengal, the people of the District of Goalpara could not make any progress in any direction, partly for the indifference of the Local zemindars and chiefly for the unjust interference of their Bengali Amlas, who tried to keep down the local people in all matters, so that their friends and kinsmen might share in the loaves and fishes of this District without any local hindrance or competition. That this state of things continued up to very recent times, now however on repeated memorials from the people, the Assam Administration have begun to see things in their true light, and are taking steps to give the down trodden people of Goalpara their due in matters of education and service; and that the people have considerably progressed ever since in those directions.

7. That in case the District of Goalpara be transferred to Bengal its 6 lacs of people will suffer from an inrush of Bengalis who, comparatively advanced, will dominate over them, and, being then of the same province, will lay claim to and monopolize all places of emoluments under the Government and the zemindars, and their language and literature will likewise suffer for want of due encouragement.

8. That as regards the memorialist zemindars mentioned above Your Excellency's humble Memorialists beg respectfully to submit that most of them spend their time outside the Province and take little interest in their estates and their tenants, entrusting the management of their affairs to their Bengali Officers in consequence of which one of the biggest estates inspite of its several capable and intelligent proprietors was about to collapse when it was taken over by the Court of Wards; that the Raja of Gauripur, one of the Signatories of the memorial mentioned above, is an Assamese and his Rani Sahiba is a Scion of the great Baishnabite reformer of Assam—Sri Madhab Dev; that the zemindars of Mechpara, though some of them have now renounced their religion, have been for generations the disciples of the family of the said Rani of Gauripur and that the said zemindars have to perform their religious rites in Assamese as the other Baishnabas of Assam; that originally the zemindars of Porbatjuar were Assamese "Rajbansis" although the present zemindars of that estate hail from Kooch Bihar or Rangpur being the adopted sons of the original Assamese zemindars; that the zemindars of Chapar Estate, who is the only Bengali zeminder in the Goalpara District, is still a minor and his estate, tenanted by Assamese, is being managed by Bengali executors and officers; that the present Raja of Bijni who is a scion of the great Koch Kings of Assam is of unsound mind; and that after the death of the late proprietress the Estate has been taken over by the Court of Wards and is being managed by a staff composed mainly of Bengalis.

9. That as regards the prayer of the said memorialist zemindars for the transfer of the District of Goalpara to Bengal on the ground that the Bengal Tenancy Act and other Bengal Revenue Laws are not in force in this District, Your Excellency's humble Memorialists beg leave to submit that after a due consideration of the local circumstances and requirements the Assam Administration are going to introduce a Bill regarding the Goalpara tenancy system, when, if Your Excellency's humble Memorialists' information is correct, discussions and free criticisms from the tenants as well as from the zemindars will be invited in the light of which it is hoped the Bill will be finally shaped and passed into law.

10. That if the District be transferred to Bengal and the zemindaries subjected, as desired by their proprietors, to the provisions of the Bengal Tenancy Act, the step may or may not benefit the proprietors, but there is no doubt that it will injure the interests of the tenantry as that Act was framed with a special reference to the circumstances of the Bengal tenants which are very much different from those of the Goalpara tenants.

11. That in the circumstances stated above Your Excellency's humble Memorialists most respectfully pray that Your Excellency will be graciously pleased to leave the District of Goalpara as part of Assam and thereby maintain the present boundaries of the Province intact, in accordance with the declaration made by His Most August and Gracious Majesty the King Emperor at the Delhi Durbar.

And for this act of kindness, statesmanship and benevolent justice, Your Excellency's humble Memorialists, as in duty bound, shall ever pray.

We beg to subscribe ourselves to be Your Excellency's most humble Memorialists.

HARIPRASAD NATH,

and others.

749H.—.0.—30-9-19—CCPS

APPENDIX V.

Statement showing the powers of legislation in the territories referred to in the Despatch.

1. The position with regard to the different territories referred to in this despatch is so complicated that it will probably be of assistance first to refer generally to the different provisions of the law by which legislation in them is governed, and then to tabulate the territories with a short statement of the law as applicable to each.

2. *Power to legislate by Regulation under section 71 of the Government of India Act 1915.*—This power can be exercised in respect of any territory to which the Secretary of State has by resolution in Council applied the provisions of section 71. The provisions of the section can be applied to any part of British India, but in practice power to legislate by Regulation is only given in respect of backward areas. The application of the section can also be withdrawn in the same way.

3. *Powers conferred by the Scheduled Districts Act, 1874.* Act XIV of 1874.

(*a*) "Scheduled Districts" are those which are included in the first Schedule to Act XIV of 1874, and the term also includes any other territory in respect of which the power to make Regulations has since the passing of the Act been created by virtue of a resolution by the Secretary of State under section 71 of the Government of India, Act, 1915.

(*b*) The provisions of the Act do not apply *proprio vigore* to the Scheduled Districts, but only to such of them as have been notified under section 3.

(*c*) In these districts the local Government, with the previous sanction of the Governor General in Council, is empowered to declare what enactments are actually in force, or that particular enactments are not actually in force, and to extend to a scheduled district, with or without modification, any enactment which is in force in any part of British India.

4. *The Laws Local Extent Act (XV of 1874)* was passed immediately after the Scheduled Districts Act, and declared certain Acts to be in force in British India as a whole or in particular provinces, but in each case excepting the "Scheduled Districts." These were set out again in the Schedule to Act XV of 1874, and were the same as in the Scheduled Districts Act. But inasmuch as this Act did not contain a provision similar to that in section 1 of the Scheduled Districts Act, by which any territory subsequently brought under s. 71 of the Government of India Act thereby also became "a Scheduled Districts," the field covered by the two Acts is not now identical.

5. In the case of many of the territories to which section 71 of the Government of India Act, 1915, applies, the Government of India have by Regulation declared to what extent the ordinary law shall be in force, though these enactments (which are usually spoken of as de-regulationizing enactments) vary considerably in their terms, and each of them needs to be considered. There are also in the case of some territories other enactments of a similar character which also require to be taken into account.

6. So far as concerns territories to which the Scheduled Districts Act only applies, the rule is that all laws, whether Imperial or Provincial which apply to the whole of a province are to be treated as in force in such territories unless expressly excluded.

7. The tabulated statement which follows sets out the position as accurately as is possible in the space, with regard to each of the territories referred to in the Despatch. Column 3 of the table shows the cases in which the Scheduled Districts Act, 1874, is actually in force or can be brought into force by virtue of a notification under section 3 of that Act. Column 4 refers to the Laws Local Extent Act, 1874, though it seems to have no special applicability to any of the districts referred to.

1	2	3	4	5	6	7
Territory referred to in Despatch.	Whether s. 71 of Government of India Act, 1915, applies.	Whether Scheduled Districts Act applies.	Whether scheduled under Laws Local Extent Act.	De-regulationizing Enactments (if any).	Other similar enactments (if any).	Remarks.
Assam	Yes	Yes	Yes	Reg. II of 1880 provides that in such frontier tracts as may be notified by the Governor General in Council the Local Government may bar the operation of any enactment in force. Under this Reg. various hill tracts have been notified, and in them the operation of various Acts has been barred.	Assam Act II of 1915 provides that in the absence of special provisions to the contrary no local Act shall come into force in certain specified hill districts unless extended to them under the Scheduled Districts Act or otherwise (s. 14); and this is to be deemed to apply to all local Acts whether passed before or after 1915.	
Sonthal Parganas	Yes	No (but can be applied by notification)	Yes	Reg. III of 1872 as amended by Reg. III of 1899. (1) declares the enactments in force (2) bars other enactments not expressly applying (3) gives power to the Local Government to declare any other enactment to be in force and to withdraw the same, or with the sanction of the Governor General in Council to withdraw the operation of any enactment declared to be in force under (1)	Act XXXVII of 1855 removed the Sonthal Parganas from the operation of the General Bengal Code and declared that no law thereafter passed by the Governor General in Council shall extend to any part of them unless specially named therein. Reg. III of 1872 declared this Act to be in force. See also Act X of 1857.	
Angul	Yes	Yes	Yes (excluding the Khondmals).	Reg. III of 1913. (1) declares the enactments in force (2) bars other enactments not expressly applying or extended (3) gives power to Local Government subject to the control of the Governor General in Council to withdraw operation of any enactment declared to be in force under (1) and to declare any other enactment to be in force.	.....	
Chota Nagpur	No	No (but can be applied by notification).	Yes	.....	.....	
Sambalpur	No	To parts only see in Col. 7 ...	As in Column 3 ...			According to the Bihar and Orissa Government's letter the only portions of Sambalpur which are Scheduled Districts are the three zamindaris of Bara Sambar, Kolabira, and Rampur, forming about 1-3rd of the whole district. They have all been notified under the Act. They were transferred from the Central Provinces to Bengal in 1905 and from Bengal to Bihar and Orissa in 1912.

Laccadive Islands	Yes	Yes	Yes	Reg. I of 1912 declares that the Reg. and three other enactments alone shall be in force.	.....	.....
Agency Tracts in Ganjam and Vizagapatam.	No	Yes	Yes	.....	Act XXIV of 1839 suspended all existing rules for the administration of civil and criminal justice and for collection of revenue, and placed the territories under agency administration giving the Governor in Council power to make rules for their guidance.	.....
Villages in the Godavari District ...	Yes, but see in Column 7	Yes	Yes	.....	.....	The "Rampa Country" which is mentioned along with the rest of the Godavari villages, etc., in the Scheduled Districts Act and Laws Local Extent Act, does not appear to have been brought under section 71. The Taluks of Nagur, Albaka and Cherla are not referred to in the Despatch or in the Madras letter. They were transferred from the Central Provinces in 1909 and brought under section 71 in the same year. The Scheduled Districts Act therefore applies to them but not the Laws Local Extent Act.
Chittagong Hill	Yes	No (but can be applied by notification).	Yes	Reg. I of 1900... (1) declares the law in force (2) bars all other enactments (3) gives power to Local Government with sanction of Governor General in Council to apply other enactments with modifications and to withdraw the operation of any enactment declared to be in force under (1).	.....	.....
Darjilling District	No	Yes	Yes	.....	.....	.....
Spiti	Yes	Yes	Yes	Reg. I of 1873 enacts that no law thereafter passed by the Governor General in Council shall extend to Spiti unless it is specially named.	.....	.....
Lahaul	No	Yes	Yes	.....	.....	.....

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